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K. H. S.



A RECORD OF AGRICULTURE, LIVE STOCK, HORTICULTURE, BOTANY, AND THE KINDRED ARTS AND SCIENCES.

Agriculture is the most Healthful, most Useful, and most Noble Employment of Man.—Washington.

Volume XXVII.

LOUISVILLE, THURSDAY, SEPTEMBER 4, 1879.

Number 36

### AGRICULTURAL.

#### KENTUCKY FARM NEWS.

**CALLOWAY COUNTY.**  
Robert Routen has furnished the *Calloway News* with leaves of his growing tobacco, which measured three feet two inches long by two feet wide.

**HOPKINS.**  
Jas. Kosure has bought and shipped 15,000 lbs of May apple root. The *Republican* should tell us what this important crop sells for.

**MCLEAN.**  
A cross of the Merino sheep with the native and Cotswold has been made in this county, pretty generally, with excellent results. The wool of this cross is very fine, and sells at a good price.

**DAVIES.**  
The *Examiner* is responsible for the statement that during a rain which fell lately on the farm of Mr. Burr Crutcher, near Owensboro, the leaves of a large vine turned black, as if frost bitten, wherever the rain touched them. The leaves dropped off and left the vine bare. During the heavy wind and rain, haystacks on the farm of Jo. Wright were lifted up and carried out of sight. On another farm a stump was blown out of the ground. Corn and tobacco on low land were injured by the freshet.

**HENDERSON.**  
A very fine crop of tobacco is said to be growing around Corydon, while the corn crop will compare favorably with the finest. Hitesville boasts of a tobacco leaf 27 by 40 inches.

**WARREN.**  
Land buyers and renters are reported as numerous in the Oakland section as were cavalrymen during the war. Two dollars per barrel is offered for corn at Bristol, to be delivered at gathering time. There seems to be a brisk movement in mules in this county.

**BOYLE.**  
*Advocate*: Wheat cut at 75¢@80¢. The demand for broke mules is better than for any other class of stock. The Gentry boys are gathering up good mules for the fall trade South.

**GARRARD.**  
Stock hogs are selling at \$2.50 per cwt. A thief at Paint Lick, one night last week, bored a hole through the bottom of a wheat car and got out about five bushels.

**LINCOLN.**  
Robert McAllister bought of Elijah Pence 50 Southdown lambs at \$5 per head. J. M. Hall sold Tom Boone 100 sheep, which averaged 118 lbs, at 3¢ per lb. Sales reported in the *Interior Journal* of small three year old mules at \$57.50 per head, and 100 sheep at 2½¢ per lb.

**FAYETTE.**  
Good stock hogs in demand about Walnut Hill and other parts of the county, at \$3 per cwt. A sale is reported at Hutchinson Station, by Bagge & Willett, of 200 wether lambs at \$5 per head. Mr. A. H. Dav- ingport got four premiums on his fine South- down sheep at the Lexington fair last week. At the same fair Mr. Will A. Gaines, of Bour- bon, got five premiums on his Poland-China hogs. S. Rice rented to J. B. Bowman thirty acres, near Slickaway, for wheat, at \$4.75 per acre. Mr. George A. Bean, of Clark county, won the \$150 premium in the sweepstakes for Shorthorn bulls, on his Geneva's Grand Duke. The same bull also got the premium in his own ring.

**WOODFORD.**  
Henry Ferguson has sold his farm of 371 acres, near Spring Station, to Rev. Mr. Hen- dricks, of Frankfort, at \$66 per acre. Some of the farmers are reaping their wheat and barley ground on account of a growth of weeds.

**CLARK.**  
*Democrat*: Sale by M. & S. Holliday of a lot of 1,200-lb cattle at 4¢. The amount of small grain sowed this fall will be unpre- cedented in Clark. S. D. Goff sold 300 common ewes at \$2 each. 200 acres of land on Strode's Creek rented for next year for \$300. J. W. Moore, near Pincheon, sold to Col. Oliver 500 bbls new corn at \$1.75 per bbl. Frank Thomson has bought 100 first-class mules at \$140 per head. Capt. B. A. Tracy, near Winchester, says that with- in the sound of a horn from his place over 1,000 acres of wheat will be sown. A cyclone passed over the northern portion of Clark last week, doing much damage.

**BOURBON.**  
Dunlap Gay, North Middletown, recently sold twenty-five head of steers that averaged 1,200 lbs, at about 3½¢ per lb. Four hundred acres of land on Cooper's Run was the first land in the county that sold for \$100 per acre, and this was in 1837 to Henry E. Shawhan. E. K. Rice bought of John Rice, on Strode's creek, 300 barrels of corn at \$1.50 per barrel. D. T. Wilson, Flat Rock, sold last week 1,300 bushels bluegrass seed at 40¢, to Lexington parties. Sales

are reported at Flat Rock, of 45 good Cotswold ewes at \$6.75 per head; mountain ewes at \$2 to \$2.50 per head.

**SCOTT.**  
M. C. Hall bought the J. C. Smith farm of 166 acres, six miles from Georgetown, at \$60 per acre. J. R. Nutter has sold his farm of 140 acres, two and a half miles from Georgetown, at \$50 per acre, to J. B. Graves. Col. West failed to consummate the sale of his farm, Edgewood, as reported some time back. Sales have been lately made of 8,000 bushels of wheat at 78¢@80¢. John Fleming, near Oxford, lost nearly 100 bushels of wheat from the wet weather and bad stack- ing. Hogs sell at \$3 and \$3.25.

**BOONE.**  
*Recorder*: Some of the traders have instituted a new feature in sheep raising. They furnish a farmer a number of ewes to winter, giving him half the wool and half the increase, the ewes still belonging to the one who fur- nishes them. They say it pays both parties. Mr. J. E. Duncan, present Master of Pleasant Grange, has missed but one meeting of his grange in seven years. It meets twice a month.

**OLDHAM.**  
From the *Oldham Era* we note sales of cattle to Ewing & Barnhill: Tom Davis 56 head, averaging 1,445 lbs; Joe Davis 6 head, averag- ing 1,388 lbs; M. Cassidy 16 head, averaging 1,352 lbs. Price not stated.

**NELSON.**  
Near Samuels' Depot Mr. T. E. Pence's son James, ten years old, fell from a wagon load of wheat, while the horses were running, and was instantly killed. Abner King has sold to A. D. King 77½ acres of land on Cox's Creek, for \$1,545. Stock near Poplar Flat, bitten by a rabid dog in June, are now going mad.

#### BLUESTONE FOR SMUT.

*Editor Farmer's Home Journal*: Will you or some of your subscribers, through your valuable paper, inform me the best way of soaking seed wheat in bluestone to prevent smut? How much bluestone to the bushel, etc., and the way to manage it?

**J. B. HUMPHREY.**  
Union County, Ky., Aug. 22.  
In order that the bluestone may be effective, the mixture should be a satu- rated solution of bluestone, which means that the bluestone should be crushed to powder and stirred into the water until it will dissolve no more, and the powder falls to the bottom. Take a large wash- ing-tub and thus prepare the mixture. Then take a bushel basket, which fill one-third full of the seed wheat, plunge this into the solution and stir with a paddle until assured that all the grain has been touched by the liquid; it is not necessary that it should soak in it.

Raise the basket, and when it has drip- ped awhile spread on a floor to dry. In one day it will do for hand sowing, and in about two days will do for the drill. As the water is displaced, fill up and be sure that the bluestone is added in pro- portion as the water is. It is only nec- essary always to supply all the bluestone the water will take up, and keep it so, to make the solution strong enough to de- stroy the seed of the smut.

One pound of bluestone will be suffic- ient for ten bushels of wheat if prop- erly used. Care should be taken while using the bluestone that it does not get on the hands or about the face, as it is a corrosive poison. It is a very cheap drug, and is kept for sale by all drug stores and in many groceries.—Ed. F. H. J.

#### FROM SHELBY COUNTY—STOCK AND CROP ITEMS.

*Editor Farmer's Home Journal*: The farmers of this county have but little rest this year owing to poor corn stand in the spring, and being thrown late with it, and the early harvest that succeeded, and also a scarcity of hands in the harvest. Still they feel that they have been amply compensated by a bountiful crop of wheat. It is the best we have had for years. The corn crop, too, is as promising in this section as I ever saw. We have not lacked for rain of late, and both corn and grass are growing finely.

Our farmers feel like there is a bright- er day about to succeed the dark days they have passed through, where all was toil and no profits. It is nothing

unusual now to hear of twenty to thirty bushel crops of wheat to the acre, and this has stimulated the people to make preparations for a larger sowing of this cereal. They are everywhere turning the stubble and sod.

There is little demand for hogs. The price is \$3 per cwt for good feeding stock. Sheep are in demand at from \$2 to \$5 per head. Beef cattle scarce. Mule colts are not plentiful. Shelby County, Aug. 27. FARMER.

#### FROM UNION COUNTY.

The Crop.—The Amber Cane—Premium Clubs.

*Editor Farmer's Home Journal*: I have been thinking of writing to you for some time, giving you an ac- count of our crop prospects in this county.

The corn crop is looking remarkably well. We have had a fine season; have had plenty of rain except in the early part of this month. We had a good rain on the 22d of this month, which was needed very much. It rained most of the day yesterday, and is raining very hard to-day.

The tobacco crop is not looking as well as it usually does for this county, there being only about one-half of a crop planted.

There was more and a better quality of wheat made than in any year. There will be a large crop planted this fall.

I finished making up my early amber cane yesterday, from the seed I ob- tained from the office of the FARMER'S HOME JOURNAL.

I got one gallon of seed, let one of my neighbors have one-half a gallon, and planted nearly a quarter of an acre of ground myself, and must say that I made nearly seventy gallons of the finest syrup that I have ever seen made out of any kind of sorghum cane. I think I was well paid for sending to your office for my seed, as I did not see a single head of any kind of seed but the early amber in my crop.

I wish to say that the pair of fowls I secured by getting up a club for your valuable paper, has given entire satisfac- tion. I have never, since I have been a farmer, raised a nicer yard of fowls, nor have they ever been more healthy or thrifty than this year; and I would advise every farmer who wishes to have a nice lot of fowls next year, to go to work and make up a club for the FARMER'S HOME JOURNAL and secure a trio or pair of some good breed of fowls. I think the Plymouth Rocks the best breed for this part of Kentucky.

I want to get up a club for your paper again this fall, as the time will soon expire for the one I made up last fall. I want a pair of white China geese, but do not see any offered as a premium in your premium list. Please let me know how many subscribers it will take to secure a pair of the geese. My Poland-China and Berkshire swine are doing well. I hope soon to be able to put a card in your Breeders' Directory. I will close by wishing you success in the future. NORMAN. Waverly, Union County, Ky., Aug. 24.

#### ODESSA WHEAT.

*Editor Farmer's Home Journal*: Can you tell me where I can get Odessa wheat for seed? It is strange that people who have such things for sale do not adver- tise them. R. A. GAILBREATH. Jefferson County, Aug. 27.

We do not know of any one who has this wheat for sale. One thing is sure, though: that whoever has it will keep it unless the world is made acquainted with the fact by judicious advertising.—Ed. F. H. J.

THE largest tree in the Southern States, a tulip bearing poplar tree near Augusta, Ga., is 155 feet high and nine feet in diameter, its lowest branches be- ing fifty-five feet from the ground.

#### LEGAL RIGHTS AND DUTIES OF FARMERS.—(Continued.)

TRESPASSING ON THE FARM.

The general rules in regard to tres- passing on another's lands are pretty well understood in the community, but on one point there is sometimes an er- roneous impression. It is often thought that, if a person simply crosses your land for twenty years, he thereby *always* acquires a right to continue the prac- tice; but this is far from being univer- sally true. Only the very foundation of acquiring such a right (prescriptive right as it is called) is, that the crossing must have been adversely to the land owner, contrary to his wishes, or at least with- out his permission, express or implied, and under a claim of a legal right so to do, whether the farmer is willing or not. If, therefore, the person crossing does so with the permission, or by the mere indulgence, of the land-owner, and not under any claim of right, it is wholly immaterial how long the custom has continued. Forty years' travel by consent of the owner would not give any right to continue to pass after he had been forbidden to do so; and, to avoid any misapprehension in such cases, it is wise for the farmer to put up notices forbidding it, as we so often see done. And this not only makes it clear that thenceforward the intruder is trespassing, but, by a recent law in this State, he is also made liable, after such notice, to a fine of twenty dollars for willfully crossing or entering upon any garden, orchard, mowing land, or other improved land, between the first day of April and the first day of De- cember.

By this law the willful trespassing on such lands during the summer and fall months is made a crime; any con- stable or other officer may arrest the offender on the spot, and take him be- fore some proper tribunal for trial and sentence. But at all other seasons of the year, or as to any other kinds of lands, such a trespass is only a civil trespass, not a crime, and the only legal remedy is by an action for damages done, which may be very unsatisfac- tory.

If, however, a man's object in com- ing into your premises is to steal your fruit, cranberries, or other crops, that itself is a crime, although he does not ac- complish his purpose; and you may put him out by force, after notice to leave, using no unnecessary violence. But you can not lawfully set spring-guns, man-traps, or other instruments which may do him grievous bodily harm, with- out giving notice of such hidden dan- gers. The old school books, in my early days, had a picture of boys steal- ing fruit in the boughs of an apple tree, with a farmer picking up stones, and a maxim that, if words and grass did not answer, he might throw stones. But if in so doing you might happen to put out the boy's eye, it might go hard with you; for you have not a right to kill even your neighbor's hens while scratching up your melons and cucumbers. The custom to do so, and to toss the fowls over the fence, may afford some satis- faction to the gardener; but it makes him liable to pay the full value of the nuisances, although he had repeatedly warned their owner to keep them at home or take the consequences. Whether this rule applies to an old cat which is after one's chickens, I don't know; but I mean to try it the first chance I have.

One of the most annoying forms of trespass to the farmer is that of hunting and fishing. Many persons seem to suppose that, by force of some general custom or otherwise, they have a right to hunt or fish over another's ground as they please; but this is quite erroneous. In all ordinary streams and ponds the right to fish belongs solely to the person owning the adjoining land. If the

stream is navigable—that is, if the tide ebbs and flows—the public have a right to boat up and down it, and to fish from their boats, but not to go on shore to do it. And, by a very early law in Massachusetts, if a farm contains a "great pond"—i. e., a pond containing over ten acres—the public have a right of fishing and fowling there, "and may pass and repass on foot through any man's property for that end, so they tres- pass not on any man's corn or meadow."

#### OVERHANGING TREES.

The question often arises who owns the fruit of a tree standing near the boundary line between two proprietors. It is generally supposed that the fruit overhanging one's land belongs to him; but this is an *entire* mistake. If a tree stands wholly on your land, although some of the roots extend into the soil of your neighbor and derive support and nourishment from his soil, he has no right to any of the fruit which hangs over the line; and, if he attempts by force to prevent you from picking it, he is liable for an assault and battery.

In one instance a lady, while stand- ing on the fence picking cherries which hung over the line, was forbidden to do so by the adjoining owner, who was at work in the garden; and, in the scuffle to prevent her she received some bruises on her arm, for which he had the pleasure of paying the neat little sum of a thousand dollars. If your fruit falls into your neighbor's lot, you have, I think, an implied license to go over and pick it up, doing him no unavoid- able damage.

If, however, a fruit tree stands di- rectly in the division line, and is what is called a "line tree," both parties own the tree and fruit in common, and neither can cut down the tree or serious- ly injure it without being responsible to the other.

Sometimes persons are tempted to poison or secretly kill a neighbor's tree of some kind, which stands near the fence and casts a baneful shade on their garden plot; but this is dangerous busi- ness; and the party doing so may pos- sibly find himself inside the county jail for a twelvemonth, where the rooms are apt to be small and not always clean! The safer way in such cases is to cut off the limbs which hang over your side, or dig down and cut off the roots, which undoubtedly you have a legal right to do; but it would not be safe to use the limbs for firewood, or otherwise convert them to your own use, lest you have to pay their value, more or less.

[To be continued.]

**WILD CHICKENS.**—Some years ago, several families settled in a frontier re- gion in Comanche county, Texas; but becoming discouraged, they aban- doned the enterprise and returned to the old settlement, leaving their domestic fowls in possession of the clearings. These multiplied rapidly, and in a few years became as wild as any other birds of the forest. At the present time there are said to be thousands of these wild chickens in that region. They will probably become permanent in- habitants of the mountains in western Texas. In this manner the horse became a wild animal on the pampas brood of South America.

**PLOWING IN DRY WEATHER.**—A cor- respondent of the *South Kentuckian* says: "Mr. Roberts, of Churchill, Christian county, has the heaviest and best tobacco that we saw, and he says it has never been too wet to plow since it was planted. Contrary to the opin- ion of some farmers, he believes in plowing often in dry seasons. He plowed his tobacco nine times and thinks it will yield an average of 1,200 lbs to the acre throughout his whole crop of 40 acres."

A DEAD snake can be brought to life with a pint of whisky. You drink the whisky, and then look at the snake.



## THE HOUSEHOLD.

## NO TIME LIKE THE OLD TIME.

There is no time like the old time, when you and I were young,  
When the buds of April blossomed and birds of springtime sung!  
The garden's brightest glories by summer sun are nursed;  
But, oh! the sweet, sweet violets, the flowers that opened first!

There is no place like the old place, where you and I were born,  
Where we lifted up our eyelids on the splendors of the morn!  
From the milk-white breast that warmed us, from the clinging arms that bore,  
Where the dear eyes glistened o'er us that will look on us no more.

There is no friend like the old friend, who has shared our morning days!  
No greeting like his welcome, no homage like his praise!  
Fame is the scentless flower, with gaudy crown of gold;  
But friendship is the breathing rose, with sweets in every fold.

There is no love like the old that we courted in our pride;  
Though our leaves are falling, falling, and we're fading side by side;  
There are blossoms all around us with the colors of the dawn,  
And we live in borrowed sunshine when the light of day is gone.

There are no times like the old times—they shall never be forgot!  
There is no place like the old place—keep green the dear old spot!  
There are no friends like the old friends—may Heaven prolong their lives!  
There are no loves like the old loves—God bless our loving wives!

—O. W. Holmes.

Selected.

## A GREAT TEMPTATION.

Mr. Vaughan, or Squire Vaughan, of Barclay Manor, was a man of high degree in his county—a magistrate and lord lieutenant. Not only by virtue of his position was he respected, but by reason of his many virtues; above all, his high-souled honor and integrity.

Mr. Vaughan had been originally a solicitor, but on the death of Constable Vaughan, a stern old uncle, whom he had scarcely ever seen, he found himself by will the universal legatee of a noble property, with a large unincumbered rent roll. Cuthbert Vaughan was not a very ambitious man, but the almost unexpected selection of himself as possessor of the Barclay Manor estates was necessarily a source of satisfaction.

But chiefly was it for the sake of his daughter Miriam—a girl of noble qualities, which had been restricted in a more humble sphere, but found ample play in the region to which she was now elevated. She was a very beautiful girl, rather tall and slim, and remarkable for her elegance of manner and speech. Her tastes were eminently artistic and literary, and her drawings were the admiration of her whole circle, while it was more than a surprise to her that she was without any excessive pride, and as affable and agreeable as she was charitable and devoted in her intercourse with the poor.

The manor house was a large and rather rambling building, furnished in excellent taste, and having a noble library as well as a picture gallery. The father and daughter had been four years in possession, the latter being now nineteen years of age, and both were already exceedingly popular in the county.

The Squire had determined a few days before to clear out some lumber rooms and get rid of a lot of rubbish which had accumulated during some twenty years, and which was gradually becoming a nuisance. Father and daughter were in the picture gallery, looking at the portraits of their ancestors, and enjoying, as they walked, the cool breeze from the park, when the butler entered with a workman bearing a picture.

"Sir," said the butler, "we have found this portrait in the lumber room, and as it clearly is a family likeness, we have brought it here to know what is to be done with it."

The picture was at the same moment rested on a chair, and Mr. and Miss Vaughan examined it. Both, strangely enough, felt a little shiver as they saw that handsome face, with the weak mouth and wicked eyes, which seemed to pierce the very marrow of their bones.

"You don't know who it is?" asked the Squire.

"No, sir," replied the butler; "but I dare say Mrs. Graves will."

"Send for her at once," was the command. A few minutes later the housekeeper entered, a stout woman of sixty, still active, with white hair and a very dignified aspect. At the sight of the portrait she turned pale, and with a deep sigh she fell upon a seat.

"You are agitated, Mrs. Graves," said the Squire, kindly.

"Yes, sir; pardon me, but the sight of that picture unnerves me. It is the portrait of Mr. Constable's only son," she faltered.

"Why put it in the lumber room?" continued the Squire, gravely.

"Ah, sir, it's the old story," she answered. "He was willful, and loved where his father wished him not. Both were self-willed and obstinate, and they separated. Young Mr. Constable went away and never was seen again. The father ordered the picture to the lumber room, and then never mentioned his name again."

"Put it upon the vacant space yonder," said the Squire, quietly.

"Where it was taken from," cried the woman, who had been thirty years in the family service.

"And, sir," the butler went on, "there was this bundle of papers beside the picture. What shall I do with them?"

"Take them to my study," observed the Squire; "I will examine them by-and-by. And now, Miriam, to luncheon."

They went down, thinking of the stern old man who had sacrificed his son to a whim, or at best a better pride, and wondering how different matters might have been but for this estrangement.

"Miriam," said the father, when they were

alone, "I feel as if we were very much like usurpers and interlopers."

"How so?" asked his daughter, in a tone of surprise.

"Suppose this young Constable left children or a child. He or they are the rightful heirs," he remarked, thoughtfully.

"But surely something would have been heard from them," she urged.

"That man whose portrait we have just seen was both weak and obstinate," was her father's response, "and would, after a quarrel, have kept doggedly aloof from his father."

"What, then, would you do?" asked Miriam.

"The estate has been left to us of the free will of the late Constable Vaughan," he said, "and is ours; but we are so rich that, should there be any direct heirs, it is our duty to find them and compensate all to the full extent in our power for their great loss."

"Certainly, papa," she said; "that is spoken like your own generous and noble self. How will you act?"

"I will see the solicitor to-day," he said, "and cause the most searching inquiries to be made."

And, after some further conversation, the subject dropped, and at the end of the meal the Squire went out and rode to the country town, where the firm of solicitors he wished to consult resided. In the evening, after dinner, the subject was resumed.

"Have you any news?" asked Miriam, noticing that her father was very serious.

"Yes. Constable Vaughan married, two and twenty years ago, a lady of some family, but no means. The marriage was clandestine, and was only discovered when a child was born. Then came the explosion, and the young man went away to be heard of no more directly. The solicitors, knowing that he was still the heir, kept him in sight for some time; but for many years no tidings have come, and it is believed he is dead."

"But they are not sure, papa?" said Miriam.

"No; and I have ordered them to follow up the trace at no matter what cost, my dear," said the proud father. "Right must be done."

"Right must be done," she replied, in a dreamy kind of way.

Later on in the evening, some young lady friends coming in, Mr. Vaughan retired to his study to smoke, and as he seated himself in his cosy arm chair and his pint of wine close to his hand, observed the parcel of papers. Taking out his penknife he opened the package, and saw at once that they contained legal documents. Putting on his spectacles, he began to examine them.

There were old leases, and then, in a small parcel tied with black silk, he found the certificate of young Constable's birth, and also that of his marriage, with that of his baby boy, Charles Constable Vaughan.

"The disinherited heir, he had lived," said Mr. Vaughan, aloud. "Well, if he is alive, we will find him; and with the wealth I have at my disposal, it will go hard if I can not make up in some way for his loss."

He took up another document, at the sight of which he trembled violently, so violently that he could scarcely undo the fastenings. What was it that made him stare so wildly at this harmless bit of parchment?

He had read these words: "Deed of entail." Slowly he opened the large legal document, and at once gazed into it. With white face and quivering lips he read it from beginning to end.

"Merciful heaven!" he said at last. "If there is a living heir, we are no better off than we were five years ago. Old Constable had no power to will this property, which goes to heirs male without power of alienation."

Cuthbert Vaughan was a good man, but the possible prospect before him was a terrible one. Four years of possession had made him not only love the old place, but during that time he had acquired habits of luxury and ease which it would be hard to give up. He glanced at the documents, the lamp, the empty fireplace, and knew how much depended on a quarter of an hour's blaze.

As the suggestion arose in his inmost mind, he rose sternly, rang the bell and sent for his daughter.

When Miriam entered the study, he handed her a chair, and in very brief words told her the facts of his discovery.

"Well, papa," she answered, not knowing, in her ignorance of the law, the full force of his meaning, "what then?"

"My child, if there be a male heir nearer than myself we must give up all and go back to our old life at Brompton. There may be no living male heir; but if there is, and my researches find him, we must retire in his favor, unless—"

"Unless what, father," she asked.

"Unless we now destroy these documents, which alone prove his rights and invalidate the will."

"Rather die," she said. "No, father! As you said before, let justice be done. I would not hold one penny through fraud."

"You are right. I will see the solicitors to-morrow, and move heaven and earth to find him."

On the following morning Mr. Vaughan rode over and stated his case to the lawyers, handing them all the documents found in so strange and unexpected a manner. They looked at him in unfeigned admiration.

"This is a most serious matter," observed the elder partner, "for, between ourselves, I knew of the previous existence of this document, which, however, I believed to be destroyed. Of course, should the heir be found, it places you in a most awkward position."

"How so?" asked Mr. Vaughan.

"You will have to give up possession. But if, before producing this document, you came to learn—"

"No; let there be justice," replied the Squire. "Do your duty, and I will do mine."

Both gentlemen shook their client heartily by the hand, and then, by his instructions, sent off a special messenger to Paris. He was absent a week, and then the following telegram came:

"The heir is found. There is no doubt of his identity. He is a rather harum-scarum student in art, very poor, but without any of the vices of his class. There is the making of a sterling Englishman in him when away from his wild associates. He will come over in a few days. He begs you will stay where you are."

It must be said that both father and daughter felt easier, and prepared at once for departure. The lawyer begged them to remain until the new heir came over, but they refused.

ed. They wished to slip away unobserved. The lawyer urged them to remove many things they had purchased, such as piano, harp and other things.

"Nothing," said Miriam, proudly; "nothing here belongs to us—we are usurpers."

On the morning of their intended departure there came a letter from the heir, begging his cousin to make Barclay Manor his residence until other arrangements might be made.

"If you leave," he said, "you will make me feel very unhappy and small."

But they shook their heads and retired.

[To be Continued.]

For the Farmers' Home Journal.

## THE ANIMAL KINGDOM.—15.

BY HIRAM ORCUTT, A. M.

THE MONKEY FAMILY.—The *nerderoo* monkey is of a deep black color from head to tail, except his long beard, which is either gray or white. His forehead is naked and flesh colored. His tail is half the length of his body. His home is in India and Ceylon. This monkey was known to the ancients, and was first introduced to Europeans by the conquest of Alexander. A historian had mentioned "a race of men inhabiting the mountains of India, having heads like dogs, with larger teeth. They also have nails, but larger and more rounded. They bark, but do not talk; they have tails like a dog, but more hairy." These are supposed to have been the *nerderoo* monkeys.

The *macaca* monkey is a native of India, Borneo, Java and Sumatra. His hair is short, of a brown olive color, spotted with black and gray. He measures about eighteen inches in length, and is very vigorous. He is quite intelligent, but more brutal and passionate than some other species. The mother, however, manifests a remarkably tender solicitude for her offspring, and takes the best care of them.

The *mungo* is another species of monkey living in India. Both young and old have a wrinkled face, with a mass of long hair about the head. This species, like the *entellus* monkey of Bengal, is protected by the popular superstition that it is a sin to kill one of them. The priests teach that the direst vengeance will be visited upon those who destroy these brutes. Hence they multiply so rapidly that they become a pest to mankind. They plunder their gardens and make havoc in their sugar plantations, stealing the sap of the pokin tree, which is said to be so intoxicating as to deprive them of their wits. In this condition they are easily captured.

The *Barbary* ape, so named from his native country, is a very robust and vigorous animal. His ability for mimicking is very great. A clergyman owned one of these creatures. The ape had become much attached to his master, and would, unless restrained, follow him wherever he went. But he could not have him at church. Hence he was accustomed to shut him up on Sundays.

But one day the ape concluded that a little treachery could be atoned for by attending divine service, and planned to escape his imprisonment. He went early to church, and quietly mounted on the top of the sounding board above the pulpit, and laid himself down quietly until the preacher began his sermon. He then crept to the edge, in full sight of the congregation, and began to mimic the speaker in the most ludicrous manner. The whole congregation were excited to boisterous laughter. Such ill timed levity so displeased the preacher, who did not know the cause of the disturbance, that he severely reproved his auditors. This not having its desired effect, he, in his wrath, redoubled his gesticulation. This the ape portrayed to the congregation with great effect, by entering into the spirit of the occasion. The audience broke into a loud and continued roar of laughter, paying no attention to the rebukes of their pastor. At last a friend of the clergyman stepped up to the pulpit and pointed out the cause of the untimely merriment, and he joined in the laugh while the monkey was being removed.

This was "better than a theater," but the time and place were not well chosen by the actor. Still, it would seem more appropriate to have the fun in church under the direction of a *monkey* than of a Murray or a Beecher.

The *mogot* monkeys are the liveliest of their kind. By their wit and courage they manage to frighten and control large animals. They are notorious thieves, and have great skill in their treachery. They are social, and live in large communities. The mothers are very tender of their young, and will defend them even unto death.

Is it possible that a remedy made of such common, simple plants as hops, buchu, mandrake, dandelion, etc., make so many and such marvelous and wonderful cures as Hop Bitters do? It must be, for when old and young, rich and poor, pastor and doctor, lawyer and editor, all testify to having been cured by them, we must believe and doubt no longer. See other column.

There are at present employed in the Wyoming coal district between 13,000 and 14,000 men and boys.

CHEW Jackson's Best Sweet Navy Tobacco.

## BREEDERS' DIRECTORY.

## THIS DIRECTORY

Contains the names, address and business of some of the most reliable breeders of blooded cattle, horses, sheep, hogs, poultry and bees that are to be found in the United States. They deal fairly with their customers, and invite, at all times, a close inspection of their stock. Persons at a distance can write, describing what is wanted, and a reply will be promptly forwarded with description of animals and prices.



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Centerton Stock Farm,  
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SPRINGDALE HERD OF POLAND-CHINA HOGS.—My stock in 1878 took nine first premiums, three sweepstakes, and one herd premium at three fairs, over hogs of all breeds in three bluegrass counties, viz., at Cynthiana, Lexington, and Paris fairs. Stock of all ages for sale. Prices to suit the times. Satisfaction guaranteed. Young Buckeye and the premium hog Nero (first prize and sweep-stake hog at Hamilton County Fair) imported this fall. Address WILL A. GAINES, nov14-1yr Centerville, Bourbon Co., Ky.

LAWNSDALE BERKSHIRES.—I have now, and am breeding from the following popular families: Sallie, Sweet Seventeen, Hambrook, Oxford, Gipsy, Matchless and Snipe. Pigs for sale by "Elmhurst Prince," "Lord" and "Hugh" Rogers. Prices to suit the times. Reduced rates by express. Send for catalogue and price list.

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THOMAS S. GRUNDY, Springfield, Ky., breeder of improved Jersey Red Hogs, Shorthorn Cattle—of the Young Mary and Phyllis families—with Duke crosses, Thoroughbred Horses and Cotswold Sheep. I am breeding to sell, and would be glad to have my stock inspected at all times. aug 1.

J. T. & QUINCY BURGESS, Hutchinson Station, Bourbon County, Ky., importers and breeders of Cotswold Sheep. apr1-1yr

W. L. SCOTT, Scott's Station, Shelby county, Ky.—Breeder and importer of Cotswold and Southdown sheep. Orders promptly attended to. Sept 1-1yr

Z. Z. CARPENTER, Shelby county, Ky.—Importer and Breeder of pure Cotswold Sheep and Berkshire Hogs. Orders will receive prompt and careful attention. Post-office address, Shelbyville, Ky. dec 1-1yr

JOHN WELCH, Box 26, Louisville, Kentucky, (breeding farm 3 miles south of city, on Third-street road). Breeder and shipper of Poland-China hogs. They are docile, and fatten readily at any age. jan3-1yr

T. W. SAMUELS & SONS, Beech Grove Farm, Deatsville, Nelson county, Kentucky, importers and breeders of Pure Cotswold Sheep and Improved English Berkshire Hogs. Hav. for sale imported stock, and stock bred from imported prize animals. Correspondence and orders solicited, and satisfaction guaranteed. july 1.

A. H. DAVINPORT, Lexington, Kentucky, breeder of Shorthorns, A. J. C. R. Jerseys, Southdown Sheep, Berkshires from premium imported stock, and White-faced Black Spanish and Seabright Bantam Chickens. Correspondence promptly answered. apr1-1yr

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REV. M. P. BAILEY, Elkton, Todd county, Kentucky, breeder of pure H. B. Shorthorn Cattle, Cotswold Sheep, Angora Goats, Poland-China and Berkshire Hogs. Prices to correspond with the general decline in stock. Correspondence solicited. 25julv1yr

J. M. HACKWORTH, Shelbyville, Shelby county, Ky., breeder of Shorthorn Cattle, Cotswold Sheep, and Chester White Hogs. Orders solicited and satisfaction guaranteed. Jan 1-1yr

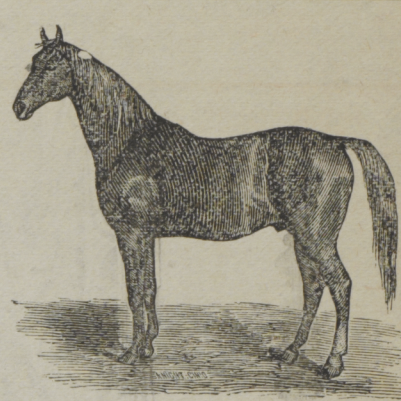
F. A. BYARS, Simpsonville, Shelby county, Ky. Breeder of and dealer in pure Southdown Sheep, from best imported strains. Correspondence and orders solicited. sept 1-1yr

SA COOMBS, Southville, Shelby county, Ky., importer and breeder of pure Cotswold sheep. Particulars sent on application. Jan 1-1yr

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J. D. GUTHRIE, Shelbyville, Kentucky, breeder and importer of Cotswold Sheep. Native and imported Bucks and ewes for sale. junee-1yr



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THOMAS GIBSON, Woodlawn Mills, Maury county, Tenn., Breeder of Trotting Horses, Shorthorn Cattle, Southdown and Merino Sheep. junee-1yr

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NEW EGYPT, N. J., Feb. 12, 1879.

O. R. Ingersoll, Manager Patrons' Paint Co., Dear Sir and Brother: My house, painted last year with your Ready Mixed Paint, looks up before the eye grandly, and is the cynosure of all sightseers. You recollect I tried to have Dr. — and Mr. S., of this place, to adopt your paints, but could not induce them. Now mark the contrast at the present time. The doctor's is in streaks and looks dirty and old, as if painted many years. Mr. S.'s house has faded very much, while mine looks more brilliant than ever. When the full moon shines upon the house it looks like a block of silver at broad daylight. The veranda ceiling reflects the arched brackets of the columns like a huge mirror. Every one notes the contrast of the mixed paints over the old way, and admires the glossy appearance of the building. You can fully refer any one to this house, for it is the largest and most conspicuous on the line of the Camden & Amboy railroad, via Pemberton.

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I have for sale a limited supply of a new variety of BEARDED WHEAT, which originated on the farm of L. L. Dorsey, Jr., near Louisville, where it has produced wonderful crops. The wheat is of light red color, a strong grower, and yielded this season an average of over thirty bushels per acre wherever sown. Price \$2.25 per bushel. Also all other varieties of seed wheat for sale at market rates.

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## HORTICULTURAL.

Conducted by J. DECKER, Secretary of the State Horticultural Society.

## FRUITS IN SHELBY COUNTY.

We were agreeably surprised, during a visit to Shelby county, to find Mr. J. S. Beatty so extensively engaged in growing fruits. He has about 20 acres devoted to fruit culture, and all in superb growing condition. He has specimens of all the leading varieties of fruits, but wisely plants extensively only of the main market varieties. In apples, Ben. Davis is mostly planted, followed by Smith's Cider, Wine Sap and Lansingburg. Of pears, Bartlett takes the lead, with a few of the others, to make a show. The Kentucky Black Cap is the favorite raspberry, and they looked superb. Chas. Downing is the favorite market strawberry.

Mr. Beatty's father, an old man seventy-six years old, had a strawberry patch that would put many of our brag cultivators to shame. It looked as neat and clean as it was possible to have it, and he does all the work himself. Mr. John Harrington, of Scott's Station, has also commenced fruit growing. He had about an acre and a half in strawberries, and expects to increase his plantation in the spring. Mr. T. W. Tucker made a splendid show of fruit at the fair, and received the premium for the best display.

At the fair the judges gave the premium for the best plate of apples to Chenango strawberry, over Summer Pearmain and a superb plate of a local apple named August Beauty—a decision that will make fruit men smile. For the best plate of pears they tied the blue ribbon on a green plate of Flemish Beauty in preference to a ripe, well colored plate of the same variety, which was larger, and a splendid plate of Bartlett. For the best display of grapes the ribbon was tied on a bunch of Catawba that was marked Isabella, and in the same collection, Venango was marked Diana and Diana something else.

The Bermuda, which is universally regarded as "not fit to eat," was voted the best sweet potato, and the Strawberry watermelon, which is small and a shy bearer, received the ribbon over a Rattlesnake melon that weighed thirty pounds.

In awarding the premium for the best collection of fruits, the number of varieties was the measure, whether named right or not, without regard to size of specimens or the adaptability of the variety for cultivation in the vicinity.

The judges were all gentlemen, who would scorn to do anything unfair or show any favoritism, and we mention these things to show that only experienced and educated fruit growers should be judges of fruits.

Country Gentleman.

## SHOWING HOW GRAPES FEED.

We had planted a row of Delaware vines, one of which was placed about three feet from a hole in which a quantity of bones had been buried. The vines all made a healthy growth, but the one referred to was specially vigorous. This, however, was attributed to its general vigor, and not to any special influence, having forgotten all about the buried bones. But one day, after digging near this hole, we noticed that our healthy, vigorous vine was wilting as if it had been pulled up by the roots and exposed to a hot sun. Unable to account for this strange circumstance, and suspecting some new enemy, we dug it up, carefully following all the roots to their extremities.

To our surprise, however, there was only one root of any consequence, and this led directly to the aforesaid hole. Following it up, we came to where we had cut it, and there taking up the severed end, and following that, we found that the pit full of bones was one mass of roots. It was evident, therefore, that when first set out, one of the roots had pushed off in the direction of the bones, and on reaching them, had found such a supply of nutriment that it alone was competent to carry to the vine all the food it wanted. The other roots therefore dwindled away, or, at least, made but a trifling growth, and the vine, depending wholly upon the single root just described, perished when it was cut off.

We may add that the root was almost bare of fibrils, or branches, in its course from the vines to the bones, but once there, it divided and branched in every direction, running into the interior of hollow bones, and clasping both internal and external surface with a perfect network of fibrils. To us it showed several points. Bones are evidently one of the best manures for the vine, and as we wish them to last for years, they need not be broken up. As it is well to have the roots of the vine spread over a considerable space, bones or other very rich manure should not be placed in holes, but distributed through the soil.

## HUSBANDRY IN OLD AGE.

LOUISVILLE, Aug. 20.

Editor Farmer's Home Journal:

Some of your readers will derive pleasure, if not profit, from a perusal of extracts from the writings of Cicero, the distinguished Roman orator, and one of the ornaments of the world of letters. They may be pleased to know the estimation in which the calling of the farmer was held in such a remote and yet in so highly-cultivated age of the world. But they may infer that its true dignity counted not alone in the tillage of the soil, but in those studies for which the life of the farmer affords opportunities and to which it invites.

I also think that, from the allusions made in these extracts, some of your agricultural readers will be surprised, as I was, to find that so much that we are accustomed to regard as progress in agriculture was practiced at that early day.

Another thing which I think may be fairly inferred from what Cicero has left on record, is that profitable farming is intelligent farming, and if more of our farmers were students, more of them would make money. J. B. T.

## CICERO ON AGRICULTURE.

From the pleasures which attend a studious old age, let us turn our views to those which, at that season of life, may be received from country occupations, of which I profess myself a warm admirer.

These are pleasures perfectly consistent with every degree of advanced years, as they approach the nearest of all others to those of the purely philosophical kind. They are derived from observing the nature and properties of this our earth, which yields a ready obedience to the cultivator's industry, and returns with interest whatever he deposits in her charge, if not always indeed with equal increase, yet always with some.

But the profit arising from this principle of fertility is by no means, in my estimation, the most desirable circumstance of the farmer's labors. I am principally delighted with observing the power and tracing the process of nature in her vegetable productions. Thus, when the ground is sufficiently broken and prepared, the seedman disseminates the grain, which is afterward harrowed into the bosom of the earth, by the vital warmth and moisture of which it is gradually expanded and pushed forth into the green blade; this blade shoots up into a knotted stem, which is mounted and supported by the various fibers of the root; the stem terminates in the ear, wherein the grain is lodged in regular order and defended from the depredations of the smaller birds by a number of little bearded spikes. And let me say (for I take great pleasure in bringing you acquainted with every article that contributes to soothe and alleviate my bending years) that I am particularly entertained with marking the growth of the vine, and following it in its progress from the seed plot to its perfect maturity.

Not to enlarge on that wonderful power with which nature has endowed every species of the vegetable kingdom, of continuing their several kinds by their respective seeds, and which, from the smallest grain, as the fig, or from little stones, as the grape, most amazingly swell into large trunks and branches; not to dwell, I say, on this method of generation common to all the various tribes of plants on the face of the earth, it is possible to observe the different modes of propagating by suckers, by the layers, by the roots, or by slips, without being affected with the most pleasing admiration?

This shrub, which, by its nature, is a trailing plant, must necessarily creep on the ground, unless it be supported; for this reason nature has furnished it with little tendrils, which serve as a sort of claws to lay hold of whatever stands within its reach, in order to raise itself into a more erect posture; and here the art of the husbandman is required to check the luxuriant growth, to train the irregular and depending shoots, and to prevent them, by a judicious pruning, from running into wood.

After the vines have undergone this autumnal dressing, they push forth in spring, from the joints of the remaining branches, little buds, which are distinguished by the name of gems. From these gems the future grapes take their rise; which gradually increase in size from the nourishment they draw from the earth, in conjunction with the genial warmth of the sun. At their first appearance they are extremely bitter, but in process of time, and when duly matured, they acquire a most sweet and delicious flavor; in the meantime being covered and guarded by the leaves, they receive a moderate degree of heat without being too much exposed to the solar rays.

There surely can not be a landscape more pleasing to the eye, as well as more profitable to the owner, than a plantation of this kind. It is not, however, as I have already declared, the utility resulting from the species of agriculture with which I am principally charmed; the mere cultivation of this generous plant, and observing its nature and properties, abstracted from all considerations of emolument, afforded me a most amusing occupation.

In short, every circumstance that relates to the management of this useful shrub, the regular arrangement of the vine props, the form of them into arcades, the pruning of the branches and fixing layers of others, are employments in which I take much delight. To this I may add the cutting of proper channels for supplying the plants with water, the stirring of the earth round their roots, and the trenching of the ground; works which are in themselves extremely entertaining, and which greatly contribute at the same time to meliorate and fertilize the soil.

As to the advantage of manure (an article which Hesiod has not taken the least notice of in his poem on husbandry), I have sufficiently explained my sentiments in the treatise I formerly published on the same subject. Homer, however (who flourished, I am inclined to think, many years before Hesiod), in that part of the Odyssey where he represents as diverting his melancholy for the absence of Ulysses, by cultivating his little farm, particularly mentions the circumstance of manuring it with compost.

But the amusement of farming is not confined to one species of agriculture alone; to the cultivation of vineyards or woodlands, of arable or meadow grounds, the orchard, the kitchen-garden and the pasture contribute also to diversify its pleasures; not to mention the feeding of cattle and the rearing of bees; and besides the entertainment which arises from planting, I may add the method of propagating trees by means of engrafting—an art which is one of the most ingenious improvements, I think, that ever was made in the business of horticulture.

I might proceed to point out many other pleasing articles of rural occupation, if I were not sensible that I have been already too prolix. Suffer me, however, to add, that Manlius Curius, after having conquered the Samnites, the Sabines, and even Pysistis himself, passed the honorable remainder of his declining years in cultivating his farm. The villa in which he lived is situated at no great distance from my own; and I can never behold it without reflecting, with the highest degree of admiration, both on the singular moderation of his mind and the general simplicity of the age in which he flourished. Here it was, while sitting by his fireside, that he nobly rejected a considerable quantity of gold which was offered to him on the part of the Samnites, and rejected it with the memorable saying "that he placed his glory not in the abundance of his own wealth, but in commanding those among whom it abounded." Can it be doubted that a mind, raised and ennobled by such pure and generous sentiments, must render old age a state full of complacency and satisfaction?

But not to wander from that scene of life in which I am myself more particularly concerned, let us return to our farms. In these good days I am speaking of, the members of Senate, who were always men advanced in years, were called forth from their fields as often as the affairs of the state demanded their assistance. Thus, Cincinnatus was following his plow when notice was brought to him that he was created dictator. It was during the exercise of this high office that his master of the horse, Sevilus Ahala, in consequence of the spirited orders he received from the dictator, seized on Spurius Maelius and instantly put him to death, before he had time to execute his traitorous purpose of usurping the reins of government. Teurius, too, and all the rest of the venerable senators of that age, constantly resided at their villas, for which reason a particular officer was appointed (called a courier, from the nature of his employment), whose business it was to give them notice when there was a meeting of the Senate.

Now, tell me, my friends, could the old age of these respectable patriots, who thus amused their latter years in cultivating their lands, be justly deemed a state of infelicity? In my opinion, indeed, no kind of occupation is more pregnant with happiness; not only as the business of husbandry is of singular utility to mankind in general, but as being attended, also (to repeat what I have already observed), with peculiar and very considerable pleasures.

I might expatiate on the beauty of their verdant groves and meadows, on the charming landscape that their vineyards and olive yards present to view; but, to say all in one word, there can not be a more pleasing or a more profitable scene than a well cultivated farm. Now, old age is so far from being an obstacle to enjoyment of this kind, that, on the contrary, it rather invites and allures us to the fruition of them; for where, let me ask, can a man in that last stage of life more easily find the comforts in winter of a warm sun or a good fire, or the benefit in summer of cooling, shades and refreshing streams?

The writings of Xenophon abound with a variety of the most useful observations, and I am sure it is altogether unnecessary to recommend them to your careful perusal. In his treatise entitled "Economics," with what a flow of eloquence does he break forth in praise of agriculture; an art about all others, you will observe, which he deemed worthy a monarch's attention. In view to this, he introduces Socrates informing his friend Cerebulus that when Lysander of Lacedaemon, a man of great and eminent virtues, was deputed by the confederate states to the court of Sardis, with their respective presents to the younger Cyrus, that great prince, no less distinguished by his genius than by the glory of his reign, received him in the most gracious manner, and, among other instances of affability, conducted him to an inclosure laid out with consummate skill and judgment. Lysander, struck with the height and regularity of the trees, the neatness of the walks and borders, together with the beauty and fragrance of the several shrubs and flowers, expressed great admiration, not only at the industry, but the genius that was discovered in the scene he was surveying; on which the prince assured him that the whole was laid out by himself, and that many of the trees were even planted by his own hand. Lysander, astonished at the declaration from the mouth of a monarch whom he beheld arrayed, in all the splendor of Persian magnificence, replied with emotion: "O Cyrus! I am now convinced that you are really as happy as report has represented you, since your good fortune is no less eminent than your excellent virtues."—Cicero on Old Age.

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For the speedy cure of seminal weakness, loss of manhood, and all disorders brought on by indiscretion or excess. Any druggist has the ingredients. Address Davidson & Co., 78 Nassau street, New York. 23-1y

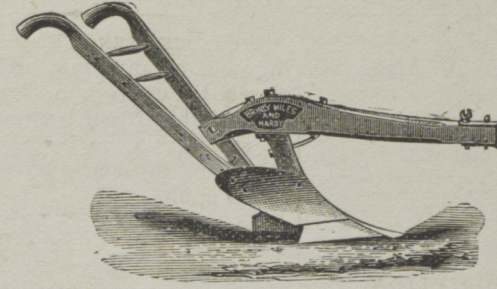
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To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, etc., I will send a recipe that will cure you, free of charge. This great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the Rev. Joseph T. Inman, Station D, New York city. Jan 6-1y

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## Shelby County Farm.

I WILL SELL AT PUBLIC SALE, ON THE 23d day of September, 1879, if not sold privately before that time, on the premises, my FARM lying in Shelby county, on the Mulberry and Eminence Turnpike road.

Ten Miles North of Shelbyville, and 3 1-2 Miles South of Eminence, Containing Sixty Acres of No. 1 Land.

In fine condition, well watered, and under good fencing, with fifteen acres of fine timber, well set in blue grass. The residue of said land is in a fine state of cultivation. There is on said farm a good and comfortable frame dwelling of five rooms, good stable and corn crib, buggy house, milk house, and young orchard of choice fruit, in bearing. Said farm is well suited for a Physician. Surrounded by the best of neighbors. Convenient to Schools and Churches. For further information, inquire of NEET & BALLARD, Shelbyville, Ky., or the undersigned, on the premises. (34-td) E. C. HARBISON.

## Vineland at Public Sale!

AS EXECUTORS of Mrs. M. A. WILSON, deceased, we will sell on the premises, on Wednesday, September 24, 1879, the farm of said decedent, consisting of seventy acres of choice land, on the Mt. Eden turnpike road, one-half mile south of Shelbyville, Ky.

Vineland combines the advantages and pleasures of town and country life. The improvements are a large two-story frame house, with wide halls, verandah, porches, etc. The out-houses are servants' rooms, bath room, carriage and hen houses, meat house, ice house, stables, corn cribs, etc. An apple orchard of choice fruits. A fine assortment of pear, plum and damson trees, all bearing. Grapes, strawberries, raspberries, currants, etc., in abundance. A well of lasting water, and a cistern in the yard. Two pools of water for stock. Large forest and evergreen trees in the yard. The farm is inclosed with stone fence, and cross lines of stone.

We do not hesitate to recommend Vineland as the most desirable suburban residence in Shelby county.

Any information desired will be given. Parties wanting to see the place can call on Mr. Sharp, on the premises, who will take pleasure in showing it.

Terms easy, and made known on day of sale. GEO. W. HARBISON, HENRY M. LYLE, D. N. SHARP, Executors. Address, Shelbyville, Ky. 34-td

## Clawson Wheat

Sacked and delivered at Shelbyville depot, on receipt of \$1.50 per bushel.

H. G. CARDWELL, Shelbyville, Ky. 35-2t

Mill Manufacture Established 1851. Grist Mills. FRENCH BUHR STONE. Portable Mills for Farmers, Saw Mill owners, etc. Price from \$50 up. Complete Mill and Shelter \$96. A boy can grind and keep in order. Adapted to any kind of suitable power. Complete Flouring and Corn Mill very cheap. NOBLET & MARMON CO. Indianapolis, Ind.

W. E. KNEELAND ISAAC F. HARRISON

KNEELAND & HARRISON, Land Agents and Locators, FORT WORTH, TEXAS.

Will locate lands in best of the frontier counties, and make investments in Texas lands for non-residents.

Refer to City National Bank, and to Messrs. Tidball, Van Zandt & Co., Bankers, Fort Worth, Texas, and Morris & Bayly, Robert Johnson, Barbaroux & Co., Silas F. Miller, Dr. Luke P. Blackburn, Louisville, Ky.; Hart Gibson, Colonel Grinstead, Lexington, Ky. 23-26t

## GRAPE VINES.

Largest Stock in America. Prices extraordinarily low. Also, Trees, Small Fruits, Strawberries, etc. Price and Descriptive List FREE. T. S. HUBBARD, Fredonia, N. Y. 32-60W-20t

BERRIES! LARGEST AND BEST. Lowell, Warren, Huddleston's Favorite, Black Giant, Sharpless, and Queen of the Market. Pomona Nursery. 100 acres devoted to small fruits. Price—List free. Send 5c. stamp for colored illustrations and testimonials. Wm. Parry, Cincinnati, N. J. 34-3t

\$5 to \$20 PER DAY at home. Samples worth \$5 free. Address STINSON & CO., Portland, Maine. 20-1y7

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Manufactured by the greatest makers,

Steinway, Chickering, Gabler, Kurtzmann, Mason & Hamlin,

Smith American Organ Co., and others,

at prices LOWER THAN EVER at the newly enlarged warehouses of their

Sole Wholesale Agent,

D. P. FAULDS, 165 Fourth Street.

Purchasers should see them before buying elsewhere. 14-1y7

AGENTS WANTED FOR THE COMPLETE HOME. Mrs. Julia McNair Wright's New Book. Nothing like it. Information for everybody. The great book of the year. Send for description, conditions, and best terms. Address J. C. McCURDY & CO., Publishers, Cincinnati, O. 26-cow13t

## MAKE HENS LAY.

An English Veterinary Surgeon and Chemist, now traveling in this country, says that most of the Horse and Cattle Powders sold here are worthless trash. He says that Sheridan's Condition Powders are absolutely pure and immensely valuable. Nothing on earth will make hens lay like Sheridan's Condition Powders. Dose one teaspoonful to one pint food. Sold everywhere, or sent by mail for eight letter stamps. 271y7 I. S. JOHNSON & CO., Bangor, Me.

R. W. Meredith. W. N. Haldeman

## Courier-Journal Job Rooms

R. W. MEREDITH & CO., Prop'rs.

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## Stock Catalogues, Auction Catalogues, Sale Bills,

And all kinds of Printing required by Stock Breeders and Dealers executed

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Estimates Furnished upon Application.

28-1y7

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# FARMERS' HOME JOURNAL

Established 1895—Reorganized May 12, 1879.

Thos. S. Kennedy, Pres't. Ion B. Nall, Sec'y.  
NEW FARMERS' HOME JOURNAL CO.  
PUBLISHERS.

Office No. 15 Courier-Journal Building, Corner  
Fourth and Green Streets,  
LOUISVILLE, KENTUCKY.

ION B. NALL, Editor.

## TERMS OF SUBSCRIPTION.

One copy one year.....\$1 50  
Where currency is not at hand, persons in  
remitting can send postage stamps in small  
amounts.

We prepay postage on all papers sent to  
subscribers.

## ADVERTISING RATES.

Advertisements will be inserted in the  
regular advertising columns of the FARM-  
ERS' HOME JOURNAL at the following  
rates:

One inch, one time.....\$ 1 50  
One inch, four times.....5 00  
One inch, three months.....10 00  
One inch, six months.....16 00  
One inch, twelve months.....25 00

Reading notices 20 cents per line, first in-  
sertion; subsequent insertions, 10 cents per  
line.

Authorized advertising agents will be al-  
lowed a commission of 25 per cent. on all  
orders coming through their hands.

Advertisements will not be given special  
position in this paper.

## SPECIAL NOTICE TO ADVERTISERS.

A recent large addition to the regular list  
of subscribers to the FARMERS' HOME  
JOURNAL, should recommend it to ALL  
BUSINESS MEN who have any thing for  
sale to the country trade.

The paper circulates among thousands  
of Farmers and Dealers, who ship their  
live stock, tobacco and other farm products  
to Louisville for sale, and who invest the  
proceeds in supplies of all kinds for farm  
and family use, and who, too, are buyers of  
fine stock for breeding purposes.

An advertisement in these columns  
will also be read every week by CASH  
BUYERS of fine stock, farm implements,  
and family supplies, not only in Kentucky,  
but throughout the whole of the SOUTH  
AND SOUTHWEST, where the Farmers'  
Home Journal largely circulates.

## THURSDAY, SEPT. 4, 1879.

A HEAVY three days' rain fell in the  
vicinity of Louisville this week.

The Ripley (Ohio) fair will be held  
from September 16 to 20. F. F. Shaw  
is secretary. Address Ripley, Ohio.

A TERRIFIC storm visited the gulf  
coast below New Orleans September 1,  
causing loss to shipping, sugar planta-  
tions and dwellings, to the amount of  
\$200,000.

The yellow fever still holds its own  
at Memphis. Forty-eight new cases  
and five deaths were reported as Tues-  
day's work of the pestilence. The  
disease does not spread to an alarming  
extent in New Orleans.

A HUMBUG.—We received through  
a reliable New York agency an adver-  
tisement of one Wm. V. Horton, of a  
miraculous stump extractor. The agent  
last week gave us notice to discontinue  
the advertisement, and we are led to  
believe that the party is a fraud and a  
humbug. Of course the New York agent  
was imposed upon.

We have received from Messrs. Bijur  
& Davie, of counsel for plaintiffs, their  
brief submitted to Special Chancellor  
Beattie in the tobacco injunction suit.  
Though we differ with the learned gen-  
tlemen in regard to this suit, we recog-  
nize in their brief a very strong legal  
document, and one that does credit to  
the reputation they sustain as lawyers.

The second annual North Georgia  
fair will be opened at Atlanta, Monday,  
October 20, and continue one week.  
The premiums are large, aggregating  
\$17,500; \$5,000 in purses for trotting  
horses; \$500 military prizes. Very  
many attractive features are in the pro-  
gramme. Catalogue furnished upon  
application to B. W. Wren, secretary,  
Atlanta, Ga.

The Simpson county fair will be held  
on the grounds near Franklin, Ky.,  
September 11 to 13. Indications, from  
the interest manifested, point to a suc-  
cessful fair and a general good time.  
Entries of stock, etc., are being made,  
not only by citizens of Simpson but  
largely by outsiders. Trotting and run-  
ning races are on the programme and  
the entries are filling up all of them.

DEATH OF GEN. HOOD.—The death  
by yellow fever, in New Orleans last  
week, of this distinguished Confederate  
general, is announced. His wife had  
died only a day or two before of the  
same disease, and one or two of his  
children are hopelessly ill with it. Gen.  
Hood was known as one of the most  
dashing of the Confederate division  
generals. When put in command of  
an army he was never successful, al-  
though he always was considered as

the bravest of the brave and very en-  
ergetic. He commanded the army be-  
fore Nashville, where it received a  
defeat from which it never recovered.

TO STOCK MEN.—If you wish breed-  
ing stock of any kind, be sure to read  
closely the cards in the Breeders' Direc-  
tory of this paper. Almost all kinds  
of stock will be found represented  
there, and those who advertise can be  
relied upon.

COL. C. E. BOWMAN.—It is gratifying  
to learn that Governor Blackburn will  
retain this gentleman in his position of  
Commissioner of Agriculture, etc. Col.  
Bowman seems to be well fitted for this  
place, and if he gets the proper legis-  
lative assistance, will no doubt make it  
valuable to the State.

GORED BY A BULL.—Dr. Stapp, of  
Trenton, Ky., while driving his cows  
home, last week, was set upon by a  
Jersey bull, and considerably tossed  
and bruised. It was with difficulty that  
the furious animal was driven off and  
the doctor's life saved. The bull was  
afterward killed by the citizens of the  
town.

By reference to the Grange secretary's  
report it will be seen that there is an or-  
ganization among the members of the  
order known as the Grangers' Detective  
Company, the object of which is to aid  
the officers of the law in catching horse  
thieves, and in putting down lawless-  
ness generally. Each member has a  
number given, by which he can com-  
municate with the order.

WINCHESTER COURT.—Our corre-  
spondent writing from Winchester, says  
court-day last week was the worst  
known for years for business. It  
poured down rain all day. There were  
some sales of cattle, however, at 3 3/4c  
to 4c for best, and 2 1/2c to 3c for com-  
mon; plug horses \$20 to \$40; good  
work horses \$50 to \$75; mules \$80 to  
\$110. About 250 cattle on the market.

EARLY FIELD CORN.—They have a  
variety of corn grown in the section  
between Hopkinsville and Clarksville  
about the State line, which is said to be  
the earliest maturing field corn ever  
grown there. When planted in April  
it is ready to cut by the 18th of August.  
A farmer who plants his crop of it com-  
mences to gather it Sept. 6 and finishes  
by Sept. 28. The ears are long, with  
small red cob. The grains are yellow.  
It is said to yield well.

## KENTUCKY FAIRS.

The county fairs this week at Paris and  
Bardstown were opened amidst torrents  
of rain, and yet reports from each are  
flattering. At Paris, the first day was  
devoted to cattle and sheep—Messrs.  
Thomas and Smith, and the Bedfords,  
with some others, being present with  
their herds of Shorthorns. Of sheep,  
J. T. & Quincy Burgess, of Bourbon,  
Brown Bros., and W. T. Woodford  
were the successful exhibitors of long  
wool, and Mr. Fisher, of Boyle, of  
Southdowns.

The Nelson county fair had a very  
auspicious beginning, despite the rain.  
Some fine rings of horses were shown,  
and a good trotting race. In long  
wool sheep Messrs. T. W. Samuels &  
Sons, of Deatsville, Nelson county, took  
every premium with selections from  
their magnificently bred flock of Cotswolds.

## NOT A SUCCESS.

The first combination stock sale of breeders  
south of the Kentucky river, held at the fair  
grounds near this city, on last Friday, did  
not come up to the expectations of those who  
managed it, so far as the price of stock was  
concerned. There was a fair crowd of bidders  
present, but the Shorthorn cattle offered were  
not strictly the best, and were generally in  
poor condition. This had rather a depressing  
effect, and the consequence was the owners of  
the horse stock preferred not to risk a sale,  
paid the forfeit, and withdrew them, with one  
exception. About seventy-five Cotswold sheep  
were sold at an average of about \$7 for ewes  
and \$6 for bucks.

We clip the above from the Danville  
Advocate of last week. From the prices  
quoted we should pronounce this sale a  
failure. It should be a lesson, though,  
to those who patronized it. Pursuing  
a short-sighted policy, the projectors of  
this sale let very few people outside of  
the locality where it was made know  
anything about it. If the sale had by  
accident turned out well, with big  
prices, the money that should have  
been expended in advertising would  
have gone to the pockets of the man-  
agers and handsomely remunerated  
them; but as it turns out a failure, the  
stock owners who put their property in  
the sale are the losers. Next time they  
will want to patronize a sale that is ad-  
vertised properly.

"He is a wise man who, thankfully  
taking from the present all it legitimately  
proffers, passes his days in arranging  
for the future."—C. A. H., Louisville.

## ALAS! POOR ENGLAND.

This has been indeed a disastrous  
season to the English people. To the  
failure of the wheat crop and the  
destruction of the hay crop by heavy  
rains and floods, must now be added  
the failure of the potato crop, entailing  
a loss of \$75,000,000. Thus, during the  
coming year, the people of Great Britain  
will have to buy from other nations  
about \$600,000,000 worth of bread-  
stuffs, meats, potatoes, cheese and other  
food products.

It is fortunate indeed for them that  
this country can supply the bulk of this  
food out of our own surplus; and by a  
heavy sowing of wheat this fall and  
next spring, we will, with a favorable  
season, be able to furnish the whole of  
Europe with all the food needed by  
them to make good their own crop fail-  
ures, without being obliged to charge  
them famine prices for it.

The English government, notwith-  
standing the fact that we can help them  
out of their present difficulty by relieving  
all their necessities, is seriously  
alarmed at the condition of its people.  
The heavy drain upon the British peo-  
ple to pay out \$600,000,000 in a single  
year for food alone is not the only  
calamity they have had to befall them.  
They have been gradually falling into  
this condition until it seems to be a per-  
manent one, that is, of a large deficien-  
cy in food supplies; and in the mean-  
while they have been, year after year,  
losing their trade with the United States  
more and more, in consequence of our  
people manufacturing for themselves.

It is indeed expected that before  
many years we will be supplying all of  
England's customers, and even the  
English people themselves in their own  
home markets, by underselling their  
manufacturers.

Such an extraordinary state of affairs  
has justly called for the most thorough  
investigation upon the part of the British  
government, and accordingly a  
commission composed of astute states-  
men and patiently plodding political  
economists, has been appointed to find  
out the hidden causes of England's de-  
cline and America's onward progress.

Part of these commissioners have  
already sailed for the United States to  
look into our supplies of bread and  
meat that can be spared for their hun-  
gry people, and during the next year  
there will be a great rush to this coun-  
try of skilled and unskilled workmen  
and farmers, who will flee from the im-  
pending famine, to find new homes in  
this land of plenty and prosperity.

Could we advise this investigating  
committee, we would tell them to look  
for the cause of England's present dis-  
tress to the demonetization of silver by  
their government in 1816. English  
historians tell us that the effect of this  
demonetization was to cause a shrink-  
age of values and a pecuniary distress  
so great as to bring ruin and bankrupt-  
cy upon the whole nation. The crisis  
was complete and overwhelming. The  
people were reduced to beggary, and a  
few rich capitalists became the land-  
lords of the whole country.

And this is the present condition of  
affairs in England. Instead of several  
millions of land owners, who are inde-  
pendent farmers, working for them-  
selves and the support of their families,  
there are only a few thousand land  
owners, who hold all the land and levy a  
tax, in the way of rent, amounting to  
\$300,000,000 every year, on several mil-  
lion tenants, who work hard to pay the  
rent, and, failing in that, their families  
must starve.

A bad season for agricultural crops,  
therefore, is ruin to the British tenant  
farmer. He is a slave to his landlord,  
and all his earnings must first be ap-  
plied to the payment of this rent. To make  
crops enough to pay this heavy tax, re-  
quires high farming and expensive man-  
uring, and, after all, the Americans  
have sent across the ocean both bread-  
stuffs and meats, which can be profit-  
ably sold in the English markets at a  
lower price than the tenant farmers of  
England can profitably sell these prod-  
ucts for, after paying rent to the land-  
lords.

And here then is the whole secret of  
England's disastrous condition. The  
monetary standard in that country was  
based solely on gold; and the conse-  
quence was that a few capitalists have  
controlled the destiny of that great na-  
tion, until their golden fetters have so  
enslaved the people and so impover-  
ished them that the government itself  
is forced to cry out in its distress, and  
send out a commission to seek for the  
causes of their sore troubles.

RAT AND MICE EXTERMINATOR.—A  
German newspaper gives the following  
simple method for exterminating rats  
and mice, which, it states, has been  
successfully tried by one Baron Von  
Backhofen and others for some time  
past: "A mixture of two parts of well  
bruised common squills and three parts  
of finely chopped bacon is made into a

stiff mass, with as much meal as may  
be required, and then baked into small  
cakes, which are put around for the  
rats to eat." Several correspondents  
of the paper write to confirm the ex-  
perience of the noble baron and his  
neighbors in extirpation of rats and  
mice by this simple remedy.

## GOVERNOR BLACKBURN.

The helm of the old ship of state was  
given over to Governor Blackburn by a  
formal inaugural last Tuesday. As a  
reminder of the past history of the new  
governor, we clip the following from  
the Courier-Journal:

Dr. Luke P. Blackburn, inaugurated  
governor of Kentucky yesterday, was  
born June 16, 1816, in Woodford county,  
Ky., his father being Edward M. Black-  
burn, a lawyer by education and a  
large farmer and stock breeder in the  
State.

Dr. Blackburn graduated in medicine  
at Transylvania University, and began  
the practice of his profession at Lex-  
ington, and married Miss Ella Guest  
Boswell, daughter of Dr. Joseph Bos-  
well, of that place. In 1835 he devo-  
ted himself assiduously to the care of  
the sick during the cholera epidemic at  
Lexington, and showed the same self-  
sacrificing devotion to suffering hu-  
manity which distinguished him in af-  
ter life, receiving no pecuniary reward  
therefor. He then moved to Versailles  
and engaged in a lucrative practice.

In 1843 he was elected to the Legis-  
lature, and in 1846 he removed to Nat-  
chez, Miss., where he acquired wealth  
and large influence. In 1848, yellow  
fever appeared at New Orleans, and in  
his capacity of health officer at Nat-  
chez, he established an effective quar-  
antine. During that period he estab-  
lished, at his own expense, the first  
marine hospital for the benefit of the  
poor and sick rivermen, and this enter-  
prise led to the passage of a bill by  
Congress establishing a marine hospital  
at Natchez, thus inaugurating the great  
and beneficent marine hospital system  
of the country. Dr. Blackburn was ap-  
pointed surgeon of the new hospital,  
and held the position with distinguish-  
ed honor for some years.

In 1854 he again saved Natchez from  
yellow fever, by establishing a rigid quar-  
antine, and subsequently, through his  
personal efforts, succeeded in establish-  
ing the present quarantine below New  
Orleans. In 1855 Dr. Blackburn's wife  
died, and in 1857, while traveling in  
Europe, he met Miss Julia M. Churchill,  
of Kentucky, to whom he was married  
in that year. Upon his return to the  
United States he located at New Or-  
leans, and built up a large practice.

Upon the breaking out of the civil  
war he was attached, as surgeon, to  
the personal staff of General Sterling  
Price, and the Legislature of Mississi-  
ppi put \$50,000 into his hands to be used  
for the benefit of the suffering soldiers  
of the State. Governor Pettis then  
commissioned him to go to the borders  
to superintend the furnishing of sup-  
plies by blockade runners, and he went  
to Canada to perform the duties of his  
office. In 1864, at the request of the  
governor general of Canada, he went  
to the Bermuda Islands to look after  
the suffering citizens and sailors. His  
services there were recognized in the  
most flattering manner by the Cana-  
dian authorities and by the British Ad-  
miralty court.

In 1867 Dr. Blackburn returned to  
the United States and engaged in the  
business of planting in Arkansas, and  
in 1873 he returned to Kentucky,  
where he has since resided. In 1875,  
when Memphis was severely afflicted  
with yellow fever, he promptly repaired  
thither and remained actively engaged  
with the sick during the whole epi-  
demic. In 1877 he performed the same  
humane mission at Fernandina, Flori-  
da.

Last year, when the fever was raging  
at Hickman, Dr. Blackburn again went  
to the front there and elsewhere, devot-  
ing himself, as usual, to the cause of  
humanity. His valuable and unselfish  
services were heartily appreciated by  
his fellow citizens, and at the Demo-  
cratic convention at Louisville in May,  
1879, he received the nomination for  
governor by acclamation, and was  
elected at the August election by a ma-  
jority of 43,917.

## KENTUCKY FAIRS.

Alexandria.....September 2, 5 days  
Franklin.....September 2, 5 days  
Germantown.....September 2, 5 days  
Bowling Green.....September 4, 3 days  
Bardstown.....September 2, 3 days  
Paris.....September 2, 5 days  
Henderson.....September 17, 4 days  
Hartford.....September 30, 5 days  
Glasgow.....October 7, 4 days  
Owensboro.....October 8, 3 days  
Hopkinsville.....October 8, 4 days  
Paducah.....October 14, 4 days

NATURE does not execute "snap" judg-  
ments, but always warns the offender against  
her laws by the infliction of pain. Give atten-  
tion to her warnings, and take Dr. Bull's  
Balm for Rheumatism in a good time to prevent the  
entanglement of disease. Price 25 cents.

## LEGAL RIGHTS OF FARMERS

In Purchasing Breeding Stock; and Lia-  
bilities of Sellers of Such Stock.

Editor Farmers' Home Journal:

I have read with much interest your  
articles on the "Legal Rights and Du-  
ties of Farmers," showing as they do  
extensive legal knowledge and a hap-  
py manner of presenting the subject,  
which inspires confidence in the read-  
er. This, from an old lawyer, may per-  
haps be considered a compliment to the  
author, as it is intended to be, and  
deservedly.

Permit me to state an actual occur-  
rence and elicit the judge's opinion:

A farmer, on the perusal of an ad-  
vertisement of "Merino sheep for sale  
or lease," wrote inquiring price of  
ewes—such as would build up a flock  
as rapidly as possible to 1,000—as the  
purpose was to make wool-growing a  
specialty, to shear 1,000 and sell 1,000  
annually. He knew nothing of sheep  
practically. Did not know an old from  
a young one; but acquainted with the  
results of sheep-raising from newspaper  
accounts only. Placed himself entirely  
in the hands of breeder, assuring him  
of entire confidence that he would do  
him justice.

The breeder wrote, offering 100 Me-  
rino ewes at a fixed price, which was  
accepted to. That price was the only  
one mentioned. The sheep were  
brought home. All the practical sheep  
men said at once that the fraud was  
complete; the sheep old, unfit to breed  
from, etc. The purchaser always re-  
plied, they were purchased under cer-  
tain stipulations from a gentleman, who  
was incapable of such a fraud.

The purchase occurred in November.  
By careful feeding with hay and grain,  
rye and oats, mixed, there were but few  
deaths during the winter, till lambing  
time in April; then many ewes died in  
parturition, and of course the lambs.  
Some ewes lived, but the lambs died  
for want of nourishment. Instead of a  
rapid increase now, at the end of five  
years nearly, there are not as many  
sheep as were purchased. Complaints  
were made from the beginning, but just  
nine months after the purchase a severe  
remonstrance was written to the breed-  
er, eliciting this reply:

"I sell my culls because I can sell  
them cheaper and easier, and it suits  
me best. I prefer to keep my best  
sheep. If I had offered you a lot of  
my best sheep at \$8 to \$10, you would  
not have taken them. Again, I estimat-  
ed them at \$1, \$2, \$3 and \$4, and  
averaged them at \$3."

The purchaser stipulated as above,  
and knew nothing of the price of the  
Merino sheep; the price and all was  
settled by letter, and the only price  
mentioned by breeder was accepted,  
with the result named. Two old rams  
were also bought at breeder's sugges-  
tion and at his own price, \$10 and \$20  
respectively. Breeder ultimately said  
he had ewes that could not be bought  
for less than \$15, \$20 and so on, and  
rams at \$50.

This case was tried before a chancel-  
lor and fraud decreed, and a jury or-  
dered to estimate damages, and will be  
tried about the 10th of September.

This suit will settle the rights of the  
farmers, and the liability of breeders  
to furnish such stock as are stipulated  
for honestly, and at fair prices to be  
duly mentioned, and not to furnish  
culls for his own convenience at his own  
prices, defeating the farmer's plans and  
purposes and involving him in heavy  
debt, by the want of adequate income  
from sheep, after every care in food  
and shelter and pasture. FIDES.

Wythe County, Va., August 30.

WHAT is an island? A body sur-  
rounded by water. Give an example:  
A boy in swimming.

LITERARY NEWS.—"The Earl of Mayfield"  
is the title of a new and powerful novel, by a  
distinguished American author, now in press  
and to be published in a few days by T. B.  
Peterson & Brothers, Philadelphia. The  
opening scenes are laid in Louisiana during  
the early days of the rebellion, the hero is a  
rich planter, and the heroine is a lovely ex-  
ample of pure womanhood. The old English  
home is very likely a correct photograph of an  
ideal house, as many similar ones exist in that  
ideal locality. It has the advantage of  
having but few characters, with good descrip-  
tions, excellent dialogues, well sustained in-  
terest, and contains all the elements of a suc-  
cessful novel, the whole being well told, with-  
in the limits of probability, and it will no  
doubt prove to be a great success. It will be  
issued in uniform style with the works of Mrs.  
Southworth, in a large duodecimo volume of  
500 pages, bound in vellum cloth, black and  
gold; price \$1.50.

"PLANT SWEET FLOWERS ON MY GRAVE."  
—This is the title of an excellent new song  
and chorus, by Eddie Fox, of minstrel fame.  
Price 40c per copy, with an elegant title page.  
Will be mailed upon receipt of price to any  
point in the United States, by F. W. Helmick,  
music publisher, No. 136 West Fourth street,  
Cincinnati, O.

HEARING RESTORED.—Great invention by  
one who was deaf for twenty years. Send  
stamp for particulars. Weakley & Toroff,  
lock box 452, Cincinnati, O.



## LIVE STOCK.

## A FINE COTSWOLD FOR SOME BODY.

As an inducement to some one to get up a club of twenty subscribers to the FARMERS' HOME JOURNAL, Messrs. J. R. Winlock & Bro., of Hiseville, Barren county, Ky., offer as a premium

## A Fine Cotswold Ram Lamb,

the pick of their very fine flock, of imported bred sheep. The lamb is one sired by 2d Duke of Berlin, he by imported Duke of Berlin, and guaranteed to weigh from 100 to 130 lbs at four months old.

## OGDEN RHYMES.

Air—"Chicago Sale."

Now hold! you Western dealer,  
In the sale of "worthless brutes;"  
Old Ogden claims a corner,  
No rival now disputes.  
When the cows come home,  
With tinkle, tinkle, tinkle;  
Through fern and periwinkle,  
The cows are coming home.

'Tis "worthless brutes" that Ogden sells.  
Now tell us, who'd 'a thought it?  
We heard a fellow cussin' one:  
At Chicago 'twas he bought it.

FINE CALF.—Mr. Wm. Barnhill, of Oldham county, lately sold to J. T. Wilson, of Henry, a Shorthorn bull calf, that took four premiums at the Shelby fair last week.

SHEEP-SCAB LAW.—In Texas there is a law which provides that where twenty sheep owners in a county petition, inspectors are appointed to examine any sheep about to be driven into the county, and prohibit the entry of flocks affected with scab.

HOLSTEIN CATTLE, ETC.—We admit into our Breeders' Directory, this week, the card of Messrs. Smith & Powell, Syracuse, N. Y., who have for sale Holstein cattle and Clydesdale horses. Both of these breeds of animals are of the utility order, and where they are introduced among practical people, who want to make money, they are sure to become popular. By addressing as above, a descriptive catalogue may be obtained.

## LATE SALES OF OLDHAM COUNTY STOCK.

Editor Farmers' Home Journal:

I send you list of late sales of stock in this county:

Dr. Henry, of Douglas county, Ill., bought of Leroy Ellis and David Beall 20 grade heifers at \$4 per cwt; from Ellis, Beall and F. F. Gough, 100 Cotswold ewes at \$6@6.75 per head; one cow and calf from W. W. Morlan, at \$100.

Wm. Barnhill has a fine bull calf by his young bull, Duke of Pleasantview, he by Duke Renock, and he by the 4th Duke of Geneva; which he calls Duke of Oldham.

Ballardsville, Ky., September 1.

SALE OF COTSWOLDS AND OTHER STOCK.—Attention is called to the advertisement of administrator's sale, to be made by Mr. Ed. P. Bean, six miles from Winchester, Ky., on September 18. He will sell the property of the late James H. Bean, consisting in part of about thirty imported Cotswold ewes and thirty of their lambs; 120 good Cotswold ewes and 140 lambs; a lot of grade and stock sheep, and the imported ram Lord Barnton No. 437, which clipped 22½ lbs of wool last spring, and was the premium ram at the last meeting of the Bluegrass Association. There will also be sold several yearling rams, from imported stock. Also a lot of good cows, one Shorthorn bull (Young Mary), and other stock. See advertisement in another column.

HOOF-AIL IN CATTLE.—We made notice of the prevalence of this trouble among the cattle of Capt. Stevens, near Cropper's Depot, Shelby county, last week. As to what causes it, we do not undertake to say. Usually, sore-foot is caused by muddy lots or roads, like scratches in horses, but it will occur just as readily in very dry weather. Again, impure food is assigned as a cause; but why does it appear when cattle are running on fresh pastures? Whatever the cause, the symptoms are lameness, inflammation, swelling just above the hoof, and oozing from the cleft of the hoof. The animal will not thrive when seriously affected with this trouble.

Among the remedies for it, is recommended to carefully wash the foot in warm soapsuds, and, while damp, apply to the affected part from one to three grains of corrosive sublimate. If the foot is not moist enough for the powder to adhere readily, make an ointment of it with lard and apply in that way. There is danger of the animal licking the sore after this application, which must be prevented for a while,

as the medicine is a poison if taken internally. An ointment of bluestone or the powder is used in the same way, with effect. The applications may be made two or three times a day.

Another remedy is to cut off the toe of the hoof with a chisel, about three-fourths of an inch from the end. This will make it bleed freely and affect a cure. The animal, after either treatment, should be kept out of mud for a few days.

HOW KENTUCKY EXCELS IN FINE STOCK.—Mr. W. L. Scott, of Shelby Station, Shelby county, Ky., on Monday afforded us an opportunity to view fourteen head of doubtless the best Cotswold sheep in the country, which were in transit by rail for his stock farm. The animals were all yearlings, each weighing well nigh 250 lbs., of beautiful symmetry, and wool of the finest texture. Four of the ewes were bred by Mr. S. G. Gillett, of Kilkenny. These took the first Bath and West of England prize, and second Royal Agricultural Society prize, July 1. Four other ewes were bred by Robt. Jacobs, of Buford, and these took the first and champion prize at Blenheim Park; also on the 1st of June, the first prize of the Royal Agricultural Society at Kilburn. Three of the rams were bred by Mr. Charles Barton, of Fifield, and one by Mr. Lane, of Bradford farm, North Leith. The valuable animals were shipped from London on the first day of August ulto. They are in remarkably fine order, considering long travel.

—Cincinnati Gazette.

## OUR WASHINGTON LETTER.

Our Shipping Interests.—A Naval Review—Bank Matters.

From Our Regular Correspondent.

The returns received at the Treasury Department of the ship building of the country for the first nine months of the last fiscal year show that there has not been the same progress in this industry as in others, and that it has by no means gained the magnitude that it formerly enjoyed. The nine months show new vessels have been built, representing 143,171 tons, and from this the estimate for the whole year is placed at 195,000, as against 235,504 tons in 1878, and 176,592 in 1877. The tonnage of sailing vessels built has fallen from 106,331 in 1877, and 106,037 in 1878, to 53,129 in the nine months of 1879. The tonnage of steam vessels built during the nine months of 1879 is 63,865, as against 81,860 for the year of 1878, and 47,514 for the year of 1877. The growth of steam tonnage has been gradual for the last few years, while the sailing tonnage has been on a corresponding decline.

The Secretary of the Navy gives notice that early in October he intends having a grand review in Hampton Roads of the naval vessels now in use as practice ships for the education of American boys as sailors. There will be a fleet drill, a sham battle, and naval maneuvers of all sorts. The secretary expects the review to work great good in many respects. It seems that it is a difficult matter to secure good native seamen to man our ships of war, and as a consequence our sailors are mostly foreigners. As the pay is better and work lighter in our service than in that of other countries, foreigners prefer to enlist with us. The secretary thinks this state of affairs would work to our disadvantage in the event of war, and hence his desire to educate and train our native born boys for the service.

The Comptroller of the Currency says that, from reports he has received from the examiners of National banks in Illinois and Missouri, the comparison of losses to creditors between these banks and State banks is largely against the State institutions. The losses to creditors in Missouri, through State banks and private bankers since 1876, have been \$2,200,000, while the losses through National banks in the same State since their organization, fifteen years ago, have been less than \$1,000,000. In the State of Illinois the losses since 1874 have been \$5,500,000 by private banks, while the losses of National banks since their establishment in 1873 have been less than one and a half millions. The total losses to creditors through private banks in Illinois, within the last five years, have been more than three-fourths of the total losses of all the National banks in the country since the system was created.

THE fellow who dropped into a chair containing a tack, has been uneasy ever since, and now sits down on the installment plan.

HOW TO GET SICK.—Expose yourself day and night, eat too much without exercise; work too hard without rest; doctor all the time; take all the vile nostrums advertised; then you will want to know how to get well, which is answered in three words—Take Hop Bitters! See other column.

## STATE GRANGE—OFFICIAL DEPARTMENT.

SECRETARY'S OFFICE, KY. STATE GRANGE, }  
BRODHEAD, KY., Aug. 29, 1879. }  
Receipts and disbursements of the secretary's office for the week ending August 29, 1879:

RECEIPTS.  
Grange 1,183, March and June qrs. 1879.....\$4 32  
Grange 366, June quarter, 1879.....3 55  
Grange 1,075, September and December, 1878.....8 00  
Grange 412, June, 1879.....2 40  
Grange 382, June, 1879.....1 00  
Grange 1,383, June, 1879.....33  
Grange 493, June, 1879.....1 80

Total receipts.....\$21 43  
DISBURSEMENTS.  
Grange 1,183, paid stamps.....\$0 32  
Grange 1,383, paid stamps.....30  
Cash for stamped envelopes, No. 51.....3 20—3 88  
Cash on hand.....\$17 55

I would call the attention of the Patrons of Kentucky to the fact that there is an organization of a company called and known as the Granger's Detective Company in the State, the object of which is to assist in helping to execute the law, in putting down crime, by bringing criminals to justice.

This is a good institution, and one that is badly needed by the farming community, where so often persons carry off bridles and halters with horses and mules hitched to the other end of them.

I hope the Patrons of Kentucky will encourage this institution. It costs you nothing to become a member, and all that wish to aid in this matter, send your name and post office address to the Secretary of the "G. D. C.," Boyd's Station, Harrison county, Kentucky. They will give you instructions and your number; then you will only sign your number instead of your name on any future business, so that your nearest neighbors will not know you belong to it, and can not take offense.

JAS. G. CARTER,  
Secretary Kentucky State Grange.

## LOUISVILLE MARKETS.

OFFICE FARMERS' HOME JOURNAL, }  
LOUISVILLE, KY., Sept. 4, 1879. }

BUTTER.—Common to choice, from 10@12½ creamery, 20@22c.  
COTTON.—Middling, 12½c; low middling, 12½c; good ordinary, 12c.

COFFEE.—Rio 10½@11c for common, 14@15c for good, 15@16½c for prime, 16½@17c for choice, and 19@20c for fancy; old Government Java 20@26c.

EGGS.—11c per dozen on arrival.

FEATHERS.—Prime goose, 44c; mixed lots, 25@30c.

FIELD SEEDS.—Per bushel.

Sapling clover.....\$5 00  
Red clover.....4 75  
Timothy.....1 90

Red top, in sacks.....60  
Orchard grass.....90@1 10  
Cleaned Bluegrass.....60

Extra Bluegrass.....75  
Seed rye.....65  
White onion sets.....3 50  
Yellow onion sets.....3 00

Sacks, except for red top and orchard grass, charged extra.

WHEAT.—Choice fancy, \$5.25@5.75; plain fancy \$4.90@5.75; A No. 1, \$4.50@4.75; extra family, \$3.50@4.00; extra, \$3@3.25.

GRAIN.—Wheat, 90@92c. Corn, 42@43c for ear; 39c for shelled mixed and white on track. Oats, No. 2 mixed 26½@28c per bushel, as to grade, in bulk, on track or levee. Barley, 80@93c. Rye, 54c.

HAY.—Common to medium, \$13@15; good to choice, \$17@18.

HIDES AND SKINS.—Prime flint, 16c; dry flint, damaged, 12c; prime dry salted, 12c; dry salted, damaged, 10½c; prime green-salted, 7½c; green-salted, damaged, 6c; green, 6½c; sheepskins, 45@50c.

OILS.—Lined oil, 62@67c; coal oil, 110, test 9½c, 130 test 10½c.

ONIONS.—\$2.25@2.50 per bbl.

POULTRY.—Chickens \$1.75 per dozen for large, 75c@1.50 for small.

POTATOES.—Irish potatoes, \$1.50@1.60 per bbl; sweet potatoes, per bbl \$1.75 for red, and \$2.75 for yellow.

SUGARS.—Refined, granulated, at 9@9½c; crushed and powdered at 9½c; cut loaf, 9½c; A coffee, 8½c; B coffee sugar 8½c; extra C, 8c; C yellow, 7½c, standard brands; New Orleans, 7@7½c for common to prime.

STARCH.—2½@3c per lb.

TALLOW.—3½c.

WOOL.—Medium to good, 26@28c; black, 20@23c; washed, 35@37c.

LOUISVILLE LIVE STOCK MARKET.

CATTLE.—Extra shippers \$4.00@4.25; extra butcher, \$3.40@3.65; fair to good, \$3.00@3.25; common, \$2.25@2.50; rough, \$1.50@2. HOGS.—\$3.50@3.65, best grade; common to fair, \$3.25@3.40 per 100 lbs gross; light, \$3@3.25.

SHEEP AND LAMBS.—Extra sheep, \$3.25@3.75; stock sheep, \$2.50@3.75; Lambs, \$4.00 per cwt for best; \$3.00@3.50 for common.

CINCINNATI LIVE STOCK MARKETS.

CATTLE.—Common, 1½@2c; fair to medium, 2½@3c; good to choice butcher grades 3½@4c; fair to good shippers, 4@4½c; fair to good heavy oxen, 2¾@3½c.

HOGS.—Common, \$2.75@3.25; fair to good light, \$3.30@3.50; fair to good packing grades, \$3.40@3.55; selected butchers, \$3.60@3.70; good stockers, \$2.75@3.25.

SHEEP.—Common to fair, 2@3c, and good to choice, 3¼@3¾c.

LAMBS.—3@4½c per lb.

NOTES OF TOBACCO MARKET.

Since our last, the tobacco market has shown evidences of "weakening," especially heavy shippers; which have been, during the week, dull and lower. We think there was a perceptible falling off in prices on common fillers also, but on bright cutting kinds, the decline—if any—was very slight.

Indeed, we witnessed on Saturday, at Meigs, Helm & Co.'s, the sale of 25 hds of Owen county at what we thought very full figures, running as high as \$20 per 100 lbs.

To be sure the same house had sold, just one week before, a lot from the same district at much higher figures, several hds selling for over \$20 and one as high as \$25; but then there was as much difference in the quality as in price of these two sales, and hence there is nothing which we have seen that would

indicate any decline in the price of bright cutting Tobaccos.

We also notice sale on the same day, Saturday, August 30, at the Planters' Warehouse, of 13 hds Indiana leaf and lugs—crop of H. Dufendach—at from \$8.20 to \$9.20 for dark leaf, and from \$10 to \$13 for bright leaf.

Below is the report of the transactions for the week and month ending Saturday, August 30.

## LOUISVILLE TOBACCO SALES.

The sales of yesterday (Tuesday) at the various tobacco warehouses aggregated 240 hds, and were distributed as follows.

Dark tobaccos, nondescripts and stuff generally of undecided type were dull, but all other descriptions on offer were well supported.

PLANTERS' house sold 27 hds: 2 hds Henry county leaf and lugs at \$13.25@55; 5 hds Green county leaf and lugs, crop of White & Edwards, at \$6.70@11.50; 3 hds Ohio county leaf and lugs at \$4.05@10; 3 hds Taylor county leaf and lugs at \$4.20@5.50; 2 hds Green county leaf and lugs at \$5.40@7.70; 5 hds Daviess county leaf, lugs and trash at \$3@6.70; 3 hds Logan county leaf and lugs at \$4.95@7.50.

FALLS CITY house sold 21 hds: 3 hds Livingston county leaf at \$5.85@9; 4 hds Livingston county lugs and trash at \$5@5.10; 2 hds Union county trash at \$3.65@4.55; 3 hds Breckinridge county common leaf and lugs at \$4.30@6.80; 2 hds Breckinridge county trash at \$3.35@3.40; 1 hdd Crittenden county common leaf at \$6.60; 2 hds Crittenden county low leaf at \$5.15; 2 hds Pike county (Ind.) lugs at \$4@4.50; 2 hds Pike county (Ind.) trash at \$3.15@3.95.

NINTH-STREET house sold 41 hds: 1 hdd Virginia common leaf at \$8.40; 2 hds Hart county leaf and lugs at \$4.40@7.70; 4 hds Russell county medium leaf and lugs at \$4.20@7.50; 6 hds Caldwell county medium and common leaf and lugs at \$5.65; 2 hds Green river common leaf and lugs at \$3.90@6.10; 1 hdd Metcalfe county low leaf at \$5; 2 hds Grayson county leaf at \$4.05@5.55; 1 hdd Taylor county leaf at \$3.80; 7 hds McLean county good medium leaf and lugs at \$3.95@8.10; 11 hds Larue county medium leaf and lugs at \$3.85@5.85; 4 hds Warren county common leaf and lugs at \$2.90@5.80.

FARMERS' house sold 21 hds: 2 hds Hart county leaf at \$5.55@8.30; 6 hds Green county leaf and lugs at \$4.15@5.85; 3 hds Barren county leaf at \$5.40@5.95; 5 hds Barren county lugs at \$3.50@4.55; 3 hds Hart county lugs at \$3.40@4.45; 2 hds Daviess county leaf and lugs at \$4.50@7.50.

PICKETT house sold 20 hds: 3 hds Breckinridge county leaf at \$6@8.30; 3 hds Breckinridge county lugs at \$2.75@4.20; 3 hds Barren county leaf and lugs at \$4.25@5.60; 10 hds Hopkins county old leaf and lugs at \$3@6.20; 3 hds Ballard county leaf and lugs at \$4.05@5.25; 2 hds Grayson county leaf at \$5.25@7.10; 1 hdd Daviess county lugs at \$4; 3 hds Henderson county lugs at \$4.55@5.20.

GILBERT house sold 20 hds: 6 hds Henry county (Tenn.) lugs and common leaf at \$3.45@5.25; 4 hds Bedford county (Tenn.) lugs and low leaf at \$2.95@5.30; 5 hds Weakley county (Tenn.) lugs and common leaf at \$3.25@5.60; 3 hds Christian county lugs and low leaf at \$4.95@5.30; 2 hds Calaway county low leaf at \$5.15@5.30.

KENTUCKY TOBACCO ASSOCIATION sold 16 hds: 5 hds Breckinridge county leaf and lugs at \$3.10@6.90; 2 hds Green county leaf and lugs at \$3.60@5.95; 2 hds Livingston county leaf at \$4@5.10; 3 hds Meade county lugs and trash at \$2.50@3.25; 1 hdd Monroe county lugs and trash at \$1.35@4.40.

BOONE house sold 15 hds: 3 hds Daviess county leaf at \$5.55@6.90; 2 hds Daviess county lugs at \$3@4; 2 hds Hart county leaf at \$5.30@8.80; 3 hds Logan county leaf at \$5.25@6; 5 hds Logan county lugs at \$3.55@4.95.

PIKE house sold 16 hds: 3 hds Indiana common leaf and lugs at \$4.40@6.40; 3 hds Fulton county common leaf and lugs at \$3.60@5.70; 8 hds Tennessee low leaf and lugs at \$3.15@5; 1 hdd Larue county lugs at \$4.55; 1 hdd old common lugs at \$3.25.

GREEN-RIVER house sold 11 hds: 5 hds Hart county leaf at \$5@7; 1 hdd Hart county lugs at \$3.80; 1 hdd Taylor county low leaf at \$4.65; 1 hdd Adair county leaf at \$6.20; 3 hds Trigg county low leaf and lugs at \$3.25@6.20.

LOUISVILLE house sold five hds: 2 hds Indiana lugs at \$3.50@3.70; 1 hdd Union county low leaf at \$5.55; 1 hdd Meade county lugs at \$4.50; 1 hdd Taylor county leaf at \$8.

## CLARKSVILLE TOBACCO MARKET.

QUOTATIONS SEPTEMBER 2.

Common lugs.....\$2 50@3 50  
Good lugs.....4 00@5 50  
Common leaf.....4 50@6 00  
Medium leaf.....6 50@8 00  
Good leaf.....8 50@10 00  
Fine leaf.....10 50@12 00  
Selections.....12 50@14 00

## LIQUID COTTAGE COLORS.

Twenty-five Shades Ready for the Brush. Hundreds who have used it say it is

The Best Mixed Paint in Market.

Be sure and buy it. Send for circular to

CHICAGO

White Lead and Oil Co.

MANUFACTURERS OF

White Lead, Zinc, Putty, Linseed Oil, Etc.

E. W. BLATCHFORD, Pres't.

Cor. Green and Fulton Sts., (36-21) Chicago, Ill.

## NEW STRAWBERRIES.

The prize Strawberries LONGFELLOW and WARREN are the largest and best. Send for descriptive circular and testimonials.

J. DECKER, Fern Creek, Ky.

\$72 A WEEK. \$12 a day at home easily made. Costly outfit free. Address TRUE & CO., Augusta, Maine.

## STOCK SALES.

## Administrator's Sale

OF IMPORTED

## COTSWOLD SHEEP

As administrator of James H. Bean, dec'd, I will, on THURSDAY, SEPT. 18, 1879, sell to the highest bidder, on the premises, in Clark county, Ky., six miles north of Winchester, on the Paris and Winchester turnpike, the following property, viz., 29 imported Cotswold ewes, recorded in the American Record, 30 lambs out of the above ewes, 120 good Cotswold ewes (to be sold in lots), 140 good Cotswold lambs (in lots), 20 mixed ewes, 64 fat yearling sheep, the imported ram Lord Barnton, No. 437 American Record. This is undoubtedly one of the best yearling Cotswold rams in the country; clipped twenty-two and a half pounds of wool last spring; received first honors of the Bluegrass Sheep Breeding Association, for heaviest fleece, and as best yearling ram and as best ram of any age. One good two-year old imported Cotswold ram, 5 good yearling rams from imported stock, 1 aged Cotswold ram, 5 good grade cows with calves, 2 dry cows, 4 two year old steers, 3 yearling steers, 2 heifers, 1 thoroughbred bull calf (Young Mary), one year old in November; besides farm stock, crop, etc. Catalogues of sheep on application to

ED. P. BEAN,

R. E. EDMONSON, Auctioneer.

Administrator, Winchester, Ky.

36-21

KIDD'S

SECOND SEMI-ANNUAL

Great Combination Sale

Will be held at the Fair Grounds, Lexington, Ky., commencing on

TUESDAY, SEPTEMBER 9, 1879,

at which time 300 head of Horses, 30 Shorthorns, 40 Jerseys (gilt edge and 200 Cotswold and Southdown Sheep will be sold, representing the best herds and flocks on Kentucky soil. Twenty head of one and two year old Southdown Rams, bred by A. J. Alexander, will be sold.

The Horses will be sold on TUESDAY and WEDNESDAY, September 9 and 10, and Cattle and Sheep on THURSDAY, September 11. Those in want of Trotters, Buggy Horses, Roadsters, Stallions, Brood Mares, Saddle Horses, Colts and Fillies of the most choice breeding and promise, as well as Shorthorns, Jerseys and Sheep, will do well to be on hand. Many of the Horses, Jerseys and Sheep, in the Catalogue have been winners at the great Fairs in Kentucky. Terms, cash. For Catalogues address

PHIL C. KIDD, Lexington, Ky.

J. N. ROBSON & SON,

COMMISSION MERCHANTS

68 EAST BAY,

CHARLESTON, S. C.

Having a business experience of twenty years, and confining themselves strictly to a COMMISSION BUSINESS, without operating on their account, respectfully solicit consignments of

(30-3m)

Cotton, Flour, Corn, Wheat, Etc.

Improved HOOSIER GRAIN DRILLS

With and Without Fertilizer Attachment.

An Improved Hoe, open at the

heel, and a new device for distributing Fertilizers.

Purchasers will find it to their interest to call and examine the

HOOSIER, or send for descriptive circular.

HEWETT, FIELD & CO.

AGENTS,

LOUISVILLE, KY.

Above cut shows the Axle of the

"JACKSON" Farm Wagon, with

the Truss or strengthening-rod attachment. With this rod each Axle

is more than doubled in strength. Get a Jackson wagon and you will

never be troubled with breakages.

Prices, including spring seat and

Patent brake:



## TOBACCO DEPARTMENT

We request short letters or postal cards from planters in reference to the condition of the growing tobacco crop. Address Tobacco Department Farmers' Home Journal, Louisville, Ky.

LOUISVILLE, SEPT. 4, 1879.

### THE GREAT TOBACCO SUIT.

Speech of Judge J. F. Bullitt, of Counsel for the Defendants, Warehousemen.

May it please your Honor: I would like, in arguing a case before you, to stick closely to the issues presented by the pleadings and evidence; and if I fail to do so in this case, as I probably may, it will be because I will be misled by the tracks of opposing counsel.

My brothers Barnett and Bijur stated truly that there has been in Virginia and Kentucky a great deal of legislation on the subject of tobacco—the storing, weighing, inspecting and selling of tobacco; and even the cooping of tobacco—the size of the hogsheads, the number of hoops on a hogshead, and all that sort of thing. That legislation probably grew out of the facts that, for many years while Virginia was a colony, and during a few years after she became a State, and that in Kentucky for a short time after she became a State, tobacco was not simply a commodity, but was *currency*. I can imagine that the Legislature would attempt and might have the right to make those regulations so long as tobacco was currency. When it ceased to be currency the reason for this special legislation, according to my view of legislation, ceased. Nevertheless, though tobacco ceased to be currency in Kentucky in 1772, I find in Morehead & Brown's edition of our statutes over twenty-one pages of laws on the subject of tobacco, passed between 1779 and 1825.

I am not surprised to find my brother Bijur contending that such legislation has always been and is, not only constitutional, not only proper, but necessary for the protection of persons who deal in tobacco. I say that I am not surprised at my brother Bijur, because he belongs to the party of protectionists in this country, and because he was born in the country in which Prince Bismarck was born and bred; and I presume he probably studied political economy and political philosophy in the same school in which Prince Bismarck was educated—Prince Bismarck, with his Falk laws for the suppression of religion, and his protective tariff laws for the promotion of material prosperity. I say that I was not surprised at my brother Bijur. But I am surprised to find my Democratic brother Barnett—my Anti-Know-nothing brother Barnett—approving this sort of legislation. I had supposed that my brother Barnett would thoroughly indorse the views expressed by Mr. Buckle in his History of Civilization in England—some of which I will read, and would like to commend to the consideration of my brother Barnett.

Mr. Buckle, in talking about the general subject of legislative interference with the private affairs of men, says: "Every great reform which has been effected has consisted, not in doing something new, but in undoing something old. The most valuable additions made to legislation have been enactments destructive of preceding legislation; and the best laws which have been passed have been those by which some former laws were repealed. In the case just mentioned, of the corn laws, all that was done was to repeal the old laws and leave trade to its natural freedom. When this great reform was accomplished the only result was to place things on the same footing as if legislators had never interfered at all. Precisely the same remark is applicable to another leading improvement in modern legislation, namely, the decrease of religious persecution. This unquestionably an immense boon; though unfortunately it is still imperfect, even in the most civilized countries. But it is evident that the concession merely consists in this: that legislators have retraced their own steps, and undone their own work. If we examine the policy of the most humane and enlightened governments, we shall find this to be the course they have pursued. The whole scope and tendency of modern legislation is to restore things to that natural channel from which the ignorance of preceding legislation has driven them. This is one of the great works of the present age; and if legislators do it well, they will deserve the gratitude of mankind. It is clear that the progress of civilization can not be due to those who, on the most important subjects, have done so much harm that their successors are considered benefactors simply because they reverse their policy, and thus restore affairs to the state in which they would have remained if politicians had allowed them to run on in the course which the wants of society required.

"Indeed, the extent to which the governing classes have interfered, and the mischiefs which that interference has produced, are so remarkable as to make thoughtful men wonder how civilization could advance in the face of such repeated obstacles. In some of the European countries the obstacles have, in fact, proved insuperable, and the national progress is thereby stopped. Even in England, where, from causes which I shall presently relate, the higher ranks have for some centuries been less powerful than elsewhere, there has been inflicted an amount of evil, which, though much smaller than that incurred in other countries, is sufficiently serious to form a melancholy chapter in the history of the human mind. To sum up these evils would be to write a history of English legislation; for it may be broadly stated that, with the exception of certain necessary enactments respecting the preservation of order and the punishment of crime, nearly everything which has been done has been done amiss. Thus, to take only such conspicuous facts as do not admit of controversy, it is certain that all the most important interests have been grievously damaged by the attempts of legislators to aid them.

"Among the accessories of modern civilization, there is none of greater moment than trade; the spread of which has probably done more than any other single agent to increase the comfort and happiness of man.

But every European government which has legislated much respecting trade, has acted as if its main object were to suppress the trade and ruin the trader. Instead of leaving the national industry to take its own course, it has been troubled by an interminable series of regulations, all intended for its good, and all inflicting serious harm. To such a height has this been carried, that the commercial reforms which have distinguished England during the last twenty years, have solely consisted in undoing this mischievous and intrusive legislation. The laws formerly enacted on this subject—and too many of them are still in force—are marvelous to contemplate. It is no exaggeration to say that the history of commercial legislation presents every possible contrivance for hampering the energies of commerce. Indeed, a very high authority, who has maturely studied this subject, has recently declared (referring to Blanqui, of France) that, if it had not been for smuggling, trade could not have been conducted, but must have perished in consequence of this incessant interference. However paradoxical this assertion may appear, it will be denied by no one who knows how feeble trade once was, and how strong the obstacles were which opposed it. In every quarter, and at every moment, the hand of government was felt. Duties on importation, and duties on exportation; bounties to raise up a losing trade, and taxes to pull down a remunerative one; this branch of industry forbidden, and that branch of industry encouraged; one article of commerce must not be grown, because it was grown in the colonies; another article might be grown and bought, but not sold again; while a third article might be bought and sold, but not leave the country.

"Then, too, we find laws to regulate wages; laws to regulate prices; laws to regulate profits; laws to regulate the interest of money; custom house arrangements of the most vexatious kind, aided by a complicated scheme which was well called the sliding scale—a scheme of such perverse ingenuity that the duties constantly varied on the same article, and no man could calculate before hand what he would have to pay. To this uncertainty, itself the bane of all commerce, there was added a severity of exaction, felt by every class of consumers and producers. The tolls were so onerous as to double and often quadruple the cost of production. A system was organized and strictly enforced, of interference with markets, interference with manufactories, interference with machinery, interference even with shops. The towns were guarded by excisemen, and the ports swarmed with tide-waiters, whose sole business was to inspect nearly every process of domestic industry, peer into every package, and tax every article. While, that absurdity might be carried to its extreme height, a large part of all this was by way of protection—that is to say, the money was avowedly raised, and the inconvenience suffered, not for the use of the government, but for the benefit of the people; in other words, the industrious classes were robbed in order that industry might thrive."

That is the sort of legislation that my brother Barnett and my brother Bijur think is not only constitutional, but proper and necessary, with reference to the tobacco business. But I can not see why it should be confined to that. I can not see why the Legislature should not as well assume to regulate the sale of pork, and corn, and wheat, and oats. I can not see what reason there is for excepting tobacco from the general rule as to the produce of the country.

Our Legislature is improving on the subject of this kind of interference. It was enacted, in 1836, "that the inspectors of tobacco in this Commonwealth shall not inspect the tobacco of any person sent to or remaining in any of the tobacco warehouses, without the express order of the owner; \* \* \* and each inspector who shall inspect any hogshead of tobacco without direction of the owner shall forfeit and pay to the owner ten dollars and costs for such hogshead." (Loughborough, p. 227.) The Revised Statutes, which took effect July 1, 1852, declared that no tobacco "shall be inspected unless so required by the owners. All prohibitions or penalties against the exportation or vending of tobacco without inspection are repealed." (Chap. 52, Sec. 9.) And chapter 59, of the General Statutes, which took effect November 1, 1873, declared as follows:

"When required by the owner or lessee of the warehouse, the inspectors, or some two of them, shall attend at the warehouse, and upon request of the owner of the commodity, and not otherwise, shall inspect any tobacco, flour, salted beef or pork, lard, spirituous liquors, imported salt, or hydro-carbon oils, or oils made from coal, petroleum, or well oil, for illuminating purposes, or such of them as by their appointment they are authorized to inspect," etc. (section 4).

No inspection is to be made except at the request of the owner or lessee of the warehouse.

Sec. 5. "Except the article of oil for illuminating purposes, no penalty shall be incurred for the sale or exportation thereof without inspection."

According to the general laws of Kentucky, there can be no inspection of tobacco, except at the request of the owner of the tobacco, or at the request of his agent, the warehouseman. And that has been the general law of Kentucky since the year 1836.

Louisville, however, has been made an exception—Louisville has been made a dishonorable exception as to the confidence in her dealers with reference to this subject of the sale of tobacco. Between 1851 and 1870, eight different acts were passed relating to the sale of tobacco in Louisville; and during the whole of that time there were regulations requiring inspection, and fixing the fees for inspection, for weighing, for selling, and for storing tobacco in Louisville, differing from the rule generally throughout the State.

In 1872, the tobacco warehousemen in Louisville, some of whom are still engaged in the business, (to use the expression of Mr. Spratt, as quoted by Mr. Barnett) "determined to pull out from under the law;" and they did pull out, by disregarding it in several important particulars; by refusing to recognize the weighers and inspectors appointed by the governor; by refusing to give bond to be approved by the general council—a bond to the Commonwealth of Kentucky to account to the seller. They determined to rely upon their own reputations for solvency and integrity in order to get consignments of tobacco; and, waiving the privilege which

they had under the act of 1870 (if established by the city council as warehouses) of selling at auction without paying auction duties, they have continued from that time to the present to pay for licenses, like other warehousemen and commission merchants in the city.

I did not advise—none of the counsel now engaged in this case were consulted as to that step. I have some reason, though, to suppose—based upon the language of the statute, the first section of it—that those gentlemen supposed that they had a right to do that. The first section is:

"That inspection and sale of leaf tobacco in hogsheads may be had in the city of Louisville, and that warehouses for that purpose shall be established by the consent of the city council; but the owners or proprietors thereof shall have the right to close his or their warehouses at pleasure."

The course that they took was, that they would close their establishments as warehouses and open as commission merchants. I am inclined to think, with my brother Barnett, that they had no right thus to "pull out" from under the law in 1870. But I was a little surprised to find him denouncing that act as a guilty rebellion—as a criminal conspiracy against the law. The test as to whether a rebellion is right or wrong has always been regarded as its success or its failure, and very properly, too. If the rebellion of the American colonies had proved to be a failure, General Washington would have been a traitor to his government. The rebellion became a successful revolution, and General Washington goes down to posterity as perhaps the worthiest man and the greatest patriot that the world has produced. The rebellion of the warehousemen in 1872 was a success—and why was it so? Why was the American rebellion a success? I mean the original one. Why has any rebellion ever succeeded?

A rebellion never can succeed unless it is right. It is sometimes put down by force when it is right, but no rebellion ever succeeded unless it was right. Why did the governor decline to appoint inspectors and weighers after this rebellion of 1872? They were receiving large salaries. Why did the governor submit to this pulling out from under the law? Why did everybody submit to it? Why were no proceedings taken during the two additional years when they could have been enforced? Why was no step taken by anybody to bring these gentlemen up for violating the law? Simply because public sentiment concurred with these men in the opinion that the law was wrong, and that they were right, although they had technically violated the law.

But I was surprised more particularly at my brother Barnett's denunciations, because his clients joined ours in that conspiracy—that rebellion. The buyers were more anxious than the warehousemen to "pull out" from under the law.

Nor was this a rebellion of the warehousemen and buyers only. The planters and all other sellers of tobacco in the Louisville market joined in that rebellion. What caused that general rebellion? The fees under the act of 1870 were \$4.10 per hogshead, and 1 per cent. on the gross amount of sales. They were ten cents per hogshead more than the defendants charge now, or have ever charged since the "rebellion" in 1872. Of the fees charged under the act of 1870—amounting in all to \$4.10 per hogshead—the buyers paid \$2 per hogshead, and the planters paid \$2.10 per hogshead, viz., \$1.50 to the warehouseman, and 60 cents to the weighers and inspectors appointed by the governor; 24 cents per hogshead to the governor's four inspectors, and 36 cents per hogshead to the governor's six weighers.

If those ten inspectors and weighers had been in office last year, and if, notwithstanding that, the Louisville warehousemen had managed to sell as much tobacco as they did sell, viz., over 70,000 hds.—those ten appointees of the governor would have received from the planters of tobacco over \$40,000 for inspecting and weighing the tobacco sold in the Louisville market. Planters, buyers, and warehousemen regarded those fees for inspection and weighing as exorbitant.

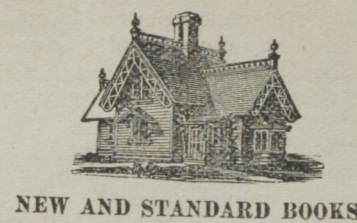
Moreover, planters, buyers and warehousemen reasonably objected to those governor's appointees—men chosen for political purposes—men appointed by the governor, who were members of the Legislature, and who voted to send the governor to the Senate of the United States, and who went out of the Legislature into warehouses in Louisville as inspectors or weighers of tobacco. Not only the Louisville warehousemen, but the buyers and producers of tobacco felt outraged at having a great business of this sort placed in the hands of such appointees, and, in 1872, they determined to take the law into their own hands; and they did it successfully for two years, and until the act of 1870 expired. Under that rebellion, warehousemen received from the planters \$2 instead of \$1.50 per hhd.—the warehousemen paying for inspection and weighing, and saving to the planter 10c per hhd, without increasing the buyer's fees.

According to the evidence in this case, the Louisville market stood very low on account of the want of confidence as to weights and as to samples. According to the evidence in this case, the great object of forming the Board of Trade in 1872 was that buyers might have a guarantee of correct weights and correct samples, and that guarantee was given, and has been so well complied with as to give the Louisville market the highest reputation of any market in the United States for the sale of leaf tobacco. Mr. Opdebeeck, a buyer, who purchases for exportation to Spain, Italy, France, Belgium and Switzerland, says that in Europe the Louisville market stands higher than any market in the world. In order to sell a hogshead of tobacco stored here, all you have to do is to send your sample to any part of Europe, and the man that wants such tobacco will buy it upon the sample—a thing that never was known in this market until those rebels inaugurated that movement in 1872.

Now I want to call your attention to some of the results of this rebellion: first, according to the statement of my brother Barnett; second, according to the statement of my brother Bijur; and, third, according to the facts in this case.

First—According to my brother Bijur, this pulling out from under the law resulted in "a want of uniformity." To this lover of uniformity, who wants the Legislature to tie us down on a procrustean bed, I wish to suggest that if he will take the trouble to read the

Continued on Seventh Page.



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Ly Louisville.....	11:40 a m	12:30 a m	5:00 p m
Cincinnati June.....	12:05 p m	1:15 a m	5:15 p m
Lebanon June.....	6:25 p m	2:10 a m	6:15 p m
Elizabethtown June.....	1:35 p m	2:47 a m	7:00 p m
Cave City.....	3:12 p m	4:14 a m	8:50 p m
Glasgow June.....	3:22 p m		9:05 p m
Ar Bowling Green.....	4:15 p m	5:10 a m	10:00 p m
Ly Bowling Green.....	4:30 p m	5:35 a m	
Franklin, Ky.....	5:19 p m	6:23 a m	
Gallop June.....	6:25 p m	7:25 a m	
Ar Nashville.....	7:35 p m	8:40 a m	
Ly Nashville.....	7:55 p m	9:00 a m	
Franklin, Tenn.....	8:55 p m	10:25 a m	
Clarksville June.....	9:20 p m	12:01 p m	
Paris, Mo.....	9:57 p m	9:54 a m	
Pulaski.....	11:20 p m	2:25 p m	
Athens, Ala.....	12:16 a m	4:07 p m	
Ar Decatur.....	12:50 a m	5:00 p m	
Ly Decatur.....	1:00 a m	6:00 p m	
Cullman's.....	2:20 a m	10:55 a m	
Blount Springs.....	3:04 a m	12:01 p m	
Birmingham.....	4:30 a m	2:15 p m	
Calera.....	5:40 a m	4:15 p m	
Elmore.....	7:24 a m	6:11 p m	
Ar Montgomery.....	7:50 a m	6:40 p m	
Ly Bowling Green.....	4:45 p m	5:30 a m	10:30 p m
Russellville.....	6:10 p m	6:35 a m	12:22 a m
Guthrie.....	7:25 p m	7:22 a m	1:43 a m
Clarksville.....	7:55 p m	7:55 a m	2:25 a m
Paris.....	9:20 p m	9:20 a m	4:42 a m
Tenn. River.....	9:57 p m	9:54 a m	4:58 a m
Clarksville.....	11:05 p m	11:00 a m	6:50 a m
Mckenzie.....	12:01 a m	11:52 a m	7:52 a m
Unionville.....	12:55 a m	1:09 p m	9:00 a m
Humoldt.....	1:30 a m	1:35 p m	9:50 a m
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" Nashville.....	6:50 p m
" Henderson.....	4:45 p m
" Owensboro.....	5:00 p m

TRAINS GOING EAST.	
Leave Paducah.....	9:35 a m
" Princeton.....	11:48 a m
" Nashville.....	8:30 a m
" Hopkinsville.....	12:29 p m
" Henderson.....	10:10 a m
" Nortonville.....	1:45 p m
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### HOSTETTER'S



Continued from Sixth Page.

statutes passed from 1851 to 1870, concerning tobacco sales in Louisville, he will find there were continual changes with reference to the tobacco market; changes with reference to fees for inspecting, fees for weighing, fees for selling, fees for storing; changes with reference to the mode of appointing inspectors, and with reference to the mode of appointing weighers, the city council sometimes having power to appoint; the governor sometimes having the absolute power to appoint, and sometimes having the appointing power upon the recommendation of the warehousemen of Louisville; whilst, under the operations of the Board of Trade, there has been perfect uniformity as to all those matters—the same fees, the inspectors and weighers appointed in the same way, viz., by a committee, half of the committee appointed by the warehousemen and half appointed by the buyers. So, there can not be any fraud, or any temptation to anybody to appoint wrong persons, because it is the mutual interest of all to have proper weights and inspections—as much to the interest of the planters as anybody else, because that is what gives this market its credit, and enables them to send to this convenient market with the prospect of getting a good price as they could anywhere in the United States.

Secondly—According to my brother Barnett, this rebellion resulted in "frightful and humiliating irregularities." The only irregularities which he mentioned related to drayage, insurance, deducting ten pounds for samples, and the buying of tobacco by warehousemen.

Now, as to *drayage*, there never was any regulation on the subject in any statute in Kentucky that I have been able to find—none, I am sure, in any of those special tobacco laws applicable to Louisville. Warehousemen have always charged the owner drayage—no law prohibiting it, the common law allowing it, and no law saying how much shall be charged. Usage here has fixed the price for years at fifty cents per hoghead. My brother Barnett makes the point that one of these warehouses has been making a profit out of drayage; that, while they have been charging fifty cents per hoghead, they have been in fact getting the tobacco hauled for less, because a boss drayman last year and this year paid them a bonus to get their hauling. There is nothing in the law prohibiting warehouses from owning their own drays—doing their own draying. I do not perceive that there is anything in public policy against it.

I recollect very well, when a store boy here in Louisville, my employers allowed me to keep two drays on my own account. Of course I made it a point, being the shipping clerk, to give my drays the preference. There was a regular price for draying, and my employers paid me what they would have had to pay some other drayman—no more, no less. I did not think there was anything wrong in that. It would have been equally right for them to have owned those drays. I submit that Meguiar, Helm & Co., if they choose, can own half a dozen drays; and that, so long as they charge their customers what everybody else charges—so long as fifty cents a hoghead is charged for hauling tobacco in Louisville, and they charge their customers fifty cents, nobody has a right to complain of it; and that they have an equal right to make profit through a special contract with a boss drayman. At any rate, what right have these gentlemen to complain of it? How are they hurt, if Meguiar, Helm & Co., in selling 17,000 hogheads of tobacco, make \$500 in this way, instead of the boss drayman making it? What right has my brother Barnett to complain of it? Upon what ground can they ask your honor to give them an injunction against the defendants carrying on their business because one firm has done this thing?

Then, as to *insurance*: there is no statute on that subject. Tobacco men are governed, as all commission men are, on that subject. I venture to say that there is not a cotton merchant in this city who is not doing just as these men are doing. Receiving consignments from a number of persons, they take what is called long insurance, covering all the tobacco in their houses, and they get it at a lower price than if they had to insure each man's tobacco separately. If the men who own this tobacco were to insure it, or if these warehousemen were to insure for them separately, they would have to pay more than they are charged by the warehousemen. And, although these warehousemen may make a small profit by this, what right have these gentlemen to complain of it as buyers of tobacco?

[By Mr. Barnett:] As sellers.  
[By Judge Bullitt:] Your complaint was as buyers in the outset. But you know the custom of the warehousemen as to insurance. Why do you require them to insure your tobacco? Why don't you insure it yourselves? What right have you to come here and complain, and ask for an injunction because we, with your consent, have made a little profit by insuring your tobacco at your request?

Next, as to *sampling*. Mr. Barnett complains of the taking of ten pounds from each hoghead for samples as a "frightful irregularity." If he had studied the acts with reference to the sales of tobacco in Louisville, he would have known that down to 1874—from 1860 at least; I did not look back of that because the act of 1860 repealed all prior laws; but certainly from 1860—ten pound samples were authorized to be taken, and I am satisfied that this has always been the rule in the city of Louisville. It certainly was for ten years before the formation of this Board of Trade.

Now, as to *buying of tobacco by warehousemen*. That I admit is an irregularity, so far as it has grown up under this Board of Trade. The Board of Trade does not prohibit it by its regulations, as it perhaps might have been well for them to do. But the only member of the Board of Trade—the only warehouseman who, according to the evidence in this case, has been engaged in buying tobacco on his own account is Mr. P. Meguiar, of the firm of Meguiar, Helm & Co.; and that occurred in this way. I want to state the facts because, as I learn, the plaintiffs' counsel intend to print their speeches to go to the country, and one of their main objects, as I assert without fear of successful contradiction, from the manner in which they have conducted this case—one of their chief objects has been, and is, to *smirch the defendants*; to prejudice the farmers against them; and the main trouble that we have had in preparing this case has resulted from that fact, instead of

confining the case, as it seems always ought to be done, to the proper issues in the case. P. Meguiar was a tobacco buyer. Ronald Webb & Co., warehousemen, failed in business, became bankrupts. Meguiar was appointed trustee, and, after considerable urging, finally consented to take the business of the warehouse. He had considerable business as a buyer, and considerable experience as a buyer, and he had a nephew that had little or no money, but sound judgment as Meguiar thought. Mr. Meguiar agreed to advance him a certain amount of capital, and let him engage in the business of buying tobacco, they to divide profits. His partners knew of that interest—many persons knew of it.

The testimony in this case is, that Meguiar, Helm & Co. were as particular with reference to rejections with Mr. Meguiar's nephew as they were with anybody. Mr. Landrum, one of the principal witnesses for the plaintiffs in this case, testifies that on a certain occasion, young Mr. Meguiar had to leave the city, on account of illness in his family, and he employed Landrum to bid for him at the different warehouses in the city. Mr. Landrum then knew of this partnership. He bid on a hoghead of tobacco at the house of Meguiar, Helm & Co., and Mr. Meguiar himself rejected it, saying that it had not brought enough; and there has never been a breath of suspicion against the conduct of that firm, with reference to the fraudulent buying of tobacco on their account, or on the account of P. Meguiar. To the contrary, though the firm commenced business in 1877, last year they did the largest business in the city—sold over seventeen thousand hogheads; such has been the confidence that their conduct has warranted. Gentlemen who live in glass houses should not throw stones. The gentlemen's clients have fostered and encouraged the Enterprise Warehouse, and endeavored to influence the farmers to send their tobacco for sale at that warehouse, conducted by Mr. Johnson and Mr. Theodore Schwartz, Jr. According to the evidence in this case, Mr. Schwartz continued to be a buyer up to a very few days ago, if he has ceased now.

So much for the gentlemen's charges about "want of uniformity," and "frightful and humiliating irregularities," connected with the business of the Board of Trade.

Thirdly—The results of the rebellion of 1872, according to the facts of the case. They were:

- (1) The saving to the planter of ten cents per hoghead, without increase of charge to buyers.
- (2) Riddance from inspectors and weighers appointed by the city council or the governor, for political purposes, or under political or other sinister influences.
- (3) The appointment of inspectors and weighers by the warehousemen and buyers, with regard to business, and not politics.
- (4) A satisfactory guaranty to buyers as to samples and weights—a guaranty which they never had before.

And while on this subject, I want to call attention to article 9 of the articles of incorporation of the Board of Trade:

"It is distinctly understood and agreed that under no circumstances shall the gain upon any single hhd of tobacco sold, exceed five pounds above the weight paid the seller; and any excess over the five pounds shall be ascribed to extra cooerage, and shall not be charged for."

My brother Barnett said that, if the hoghead did not cooer up right, the warehousemen would strike off one hundred pounds or so. Now, that is a mistake. It is impossible that warehousemen would allow any such thing to be done, because, if that were done, they would lose that hundred pounds of tobacco, or, at any rate, they would get paid for it only as waste tobacco—worth scarcely anything.

Article 9 continues:  
"For any violation of this rule a fine of ten dollars for each hoghead shall be inflicted. The better to enforce this rule, the committee of eight buyers, members of this corporation, appointed by the president at the regular monthly meetings above mentioned, shall examine the books of each warehouse, and report any discrepancies or delinquencies occurring between weights of sellers and buyers."

Now, there can be no swindle at all. The thing is impossible. The warehousemen are watched by the buyers for their own benefit, and consequently for the benefit of the sellers. There can be no swindling. The most that can be gained is the difference between the ten pounds and what is absolutely necessary for the sample.

(5) Confidence of sellers and buyers, and consequent growth of the trade. We have the largest leaf tobacco market in the world. According to the testimony of Mr. Spratt, Mr. Meguiar, Mr. Finzer (whose firm is the largest manufacturing establishment in the city), Mr. Weissinger (whose firm is one of the largest), Mr. Joseph Peterson (who has no interest in this matter one way or the other, who is not a member of the Board of Trade, and who has now no connection with the tobacco business, though he was engaged in it for many years), Capt. McPherson (who occupies the same position), and several other witnesses—according to the uniform testimony of these gentlemen, this result, this immense increase in the sale of tobacco, has been due to the operations of the Louisville Board of Trade from 1872 down to the present time. It was formed in 1872. We do not claim that the Tobacco Board of Trade formed in 1876 has accomplished all this, though it has been going on the same as before, under the same regulations and rules, the only difference being that they now claim to be a corporation, whereas it was merely a voluntary association before 1876. Nobody can tell what would have been the result if the Legislature had continued to interfere; but we have the result of non-interference—we have the largest leaf tobacco trade in the world. It has been increasing rapidly since interference ceased. The opinions of all these witnesses, based upon the facts, are, and they give reasons which seem to be satisfactory, that it has been the result of non-interference on the part of the Legislature, and fair conduct on the part of the warehousemen and buyers in Louisville under this organization.

But for that general "rebellion" of buyers, sellers and warehousemen against the act of 1870, and its beneficial results, I suppose we would still have had the Legislature tampering with the tobacco laws as before, and the Louisville market under a cloud as it was before. As to the Board of Trade formed in

1876, I do not consider it at all material, as to this case, whether it is a legal corporation or not. If not, then it is a voluntary association. The mere fact that they attempted, in vain, to organize a corporation would not, I take it, destroy the agreement between them, as a private agreement which they all signed. And, even if you set aside that agreement altogether, I don't see that your setting it aside is material in this case. Suppose there had been no such agreement between the warehousemen and the buyers, the warehousemen, in my opinion, would have had exactly the same right to say to these plaintiffs, "You shall not buy at my house," that they have under the by-laws of this Board of Trade. That gives no legal sanction to the defendants. If they, under the directions of the Board of Trade, the majority of whom are buyers, can exclude these gentlemen, they can do so upon their sole responsibility. But as my brother Barnett treated the question, as to the legality of the incorporation of the Board of Trade in 1876, as a material question, I will say a few words on that subject. By the way, my brother Barnett said, and my brother Bijur also, that these articles of incorporation were not adopted until after the act of 1876 was passed.

[By Mr. Barnett:] Not recorded.  
[By Judge Bullitt:] The same thing. My brother Bijur undertook to cast a slur on the defendants, upon the idea that they got up this Board of Trade in order to head off the legislature—to head off the act of 1876. Now, the truth is that these articles were not only signed but were acknowledged before the clerk of the County court on the 25th of February, 1876, by every man but one (Wm. Harrison), while the act of 1876 was passed the 8th of March.

Mr. Barnett contended that these articles of incorporation are invalid because a partnership can not be a member of a corporation. That is something new to me. I never saw any law of that sort in the books. If that is true, an assignment of stock in a railroad or bank, or in any corporation, to a firm, is void. I never heard of any such law. I can not conceive that that can be so. The assignment of a share of stock makes the holder a corporation. If a firm can not be a member of a corporation, you can not transfer a share of stock to a firm.

He says, in the second place, that these articles are void, because the business as prescribed by article 3 is a usurpation of legislative power, namely:

"The business of said corporation shall be the regulating of the storing, warehousing, selling and buying tobacco by its members, with power to prescribe and regulate the mode of conducting said business, and to prescribe rules and regulations for the government of its members; and for any violation by any member of any rule thus prescribed, his stock may be forfeited, and he or they be expelled from membership in said corporation."

I concede that a corporation can not, under a general incorporation act, usurp any power. It can not violate any law, whether it be statutory or common law; and, if this corporation has undertaken to contravene any statute of Kentucky, to that extent these articles are void. But the fact that they have contravened the law in some one particular would not make the articles void in all particulars. That is pretty clear, I think.

As to whether they have usurped any legislative power—that is, whether they have attempted to accomplish anything which the Legislature has attempted to accomplish in some other way by statutes now in force, is a question to which I will call your attention after a while, when I come to consider what statutes are now in force with reference to tobacco.

Now, why did the plaintiffs violate their agreement as contained in these articles of incorporation? Whether a valid corporation or not, it is their agreement, signed by them all. Why did they violate it—"in the cream of the season," to use Mr. Barnett's expression? Why did these gentlemen secede in the cream of the tobacco season—that is, on the 5th of May? Why did they not give us notice last fall, knowing as they did that the practice here has been for years for the warehousemen to make advances on the coming crop during the months of December, January and February? As these gentlemen knew that fact, if they were dissatisfied with the Board of Trade, why did they not give notice last fall of their dissatisfaction and of their reasons for it? Why did they wait until last spring before they gave notice of dissatisfaction? Why did they wait until after those advances had been made by these warehousemen before they complained? Why did they wait until the fifth of May before they seceded? Was it because, according to the general run of the trade, the great bulk of tobacco comes to our market in May and June? The market in May is generally glutted with tobacco. This year it was not so, on account of the drought; tobacco can not be handled except in moist weather, and consequently the plaintiffs were disappointed as to finding the warehouses overflowing and glutted with tobacco.

But why did the plaintiffs secede at all? Here is the reason, as stated by them in their written notice to the defendants:

"Whereas, the proprietors of the tobacco warehouses in Louisville have, after consultation with our committee, declined to make any change in the present fees as charged to buyers;

"Therefore we the undersigned hereby agree, on and after the first Tuesday in May, 1879, not to buy any tobacco at auction or private sale, directly or indirectly, from any of said warehouses, until they concede to us the changes in buyers' fees respectfully asked of them in our former paper, viz.:

"That the present fee of \$2 per hoghead with four months' storage as charged to the buyer, be changed to \$1.25 per hoghead, with one month free storage, and that twenty-five cents per hoghead per month be the uniform charge for storage thereafter."

That was the ground then alleged for secession—the only ground. If this concession had been made, the plaintiffs would have remained in the Board of Trade. Now, why did these gentlemen want a reduction of seventy-five cents on the hoghead? Why did they demand that as a *sine qua non*? It is immaterial to the buyer who pays the fees on a hoghead of tobacco sold at a warehouse—perfectly immaterial. Suppose the fees to be five dollars on a hoghead of tobacco, and the hoghead to be worth fifty dollars. Suppose the seller pays those five dollars to the warehouseman,

The buyer bids fifty dollars for the hoghead of tobacco. But suppose the buyer has to pay the five dollars; of course he only bids forty-five dollars. That would make the hoghead cost him fifty dollars. So I say that it is perfectly immaterial to the buyer what is the amount that is paid. It is the seller, and not the buyer, who pays it. That is a perfectly clear proposition.

According to the testimony of Mr. Spratt and Mr. Meguiar, and of the plaintiffs' witnesses Mr. Grant and Mr. Landrum, the plaintiffs, while negotiating about this demand, said that they did not regard the fees as unreasonable. Mr. Grant, as chairman of the committee of the seceding buyers, said to a committee of the warehousemen, that the buyers did not object to the amount of the fees, but they wanted the saddle put on the right horse, and were willing to vote for making the fees \$2.75 to sellers, and \$1.25 to buyers, instead of two dollars to each. So it was not their object to protect the planter. It was immaterial to sellers, and immaterial to buyers, whether the buyers should pay \$1.25 and the sellers \$2.75, or whether each should pay \$2, as they had been doing.

Why, then, I ask again, did these gentlemen secede? What was their motive for it? Why did Napoleon I. invade Russia? Why did Napoleon III. make war on Prussia? Why did the government of Great Britain insist on enforcing its little tea tax, and stamp tax, in the American colonies? Why did any man ever do an act of folly, and then go headlong to destruction, rather than admit that he had acted unwisely? Such things frequently happen. It is hard to account for them; and this secession is one of the most unaccountable things that I have ever known on the part of business men. According to Mr. Landrum's testimony, these gentlemen thought that they could force the defendants into this concession. They had no idea that their demand would be refused. This unjust demand, so unwisely made, having been so unexpectedly refused, the plaintiffs have gone headlong toward the destruction of the tobacco trade in this city, so far as they are able to destroy it.

But while their original reasons were those that I have read to your honor, in their petition they base their complaints upon some other grounds. I will read an extract from their petition:

"Plaintiffs allege that the said unlawful conspiracy among said tobacco warehousemen of Louisville, against the plaintiffs, was and is a part of a general conspiracy which has been formed and entered into by the defendants; the purpose of which was and is to prevent any tobacco buyer in the Louisville market from buying tobacco at any other warehouse than the eleven warehouses hereinbefore mentioned, and thereby to break down and prevent all present or future opposition to or competition with the defendants' said warehouses, and to secure to the defendants, now and hereafter, an unlawful and oppressive monopoly of the tobacco warehouse business, and the exclusive control of the tobacco trade in Louisville. And the defendants thereby also sought and are seeking to secure to themselves the power to charge and exact such unreasonable and excessive warehouse fees, storages, commissions and other charges from the producers and from the buyers as they might choose to exact when free from all competition. Among other fees which the defendants so unlawfully conspired and are conspiring to exact, is a fee of two dollars for each hoghead sold at said warehouses, to be paid by the producer, and also two dollars for each hoghead so purchased, to be paid by the buyer, which fees and charges the plaintiffs allege are unreasonable and excessive, and far above the value of such services. The said rates of charges were established during the late war, when labor was very high and money was of comparatively little value; and while the plaintiffs once submitted to said charges as then reasonable, they have since become and now are unreasonable, owing to the great and general decrease in the value of labor and increase in the value of money, and the plaintiffs have therefore been and are unwilling to permit or aid the defendants in longer exacting the same from the producers or from the buyers."

These are the grounds on which they complain now.

As to the alleged monopoly: They took the deposition of Mr. Johnson, of the Enterprise Warehouse, its chief proprietor. He testifies that he determined, on the 8th of May, to establish a warehouse, in connection with Mr. Theodore Schwartz, Jr., both of them being seceders from the Board of Trade—both buyers; at least Mr. Schwartz had been a buyer. Mr. Johnson had never bought or sold a hoghead, nor manufactured a pound of tobacco. He seems to have joined the Board of Trade as a matter of pleasure. In four days they opened their warehouse, and Mr. Johnson says they have sold about 2,500 hogheads since that time. He says that they, with their present arrangements, can sell 100 hogheads a day, making 30,000 a year; and that he will undertake to receive and sell, and will receive and sell, all the tobacco that may be sent to him. Of course it is a clear proposition that if these two young gentlemen—the oldest one, Mr. Johnson, being only twenty-seven years of age, and never having had any experience in tobacco—if they could get ready in four days to sell 30,000 hogheads of tobacco in one year, any two good business men could get ready to sell 60,000 hogheads in eight days, and 90,000 in twelve days. 72,000 was the highest number ever sold in one year in this market.

So much about monopoly. If our clients are extortioners, let the owners of tobacco send it to the Enterprise Warehouse.

As to the allegations that these charges were established during the war: they were established, as I have already stated, in the year 1872. Higher charges had been established by the Legislature in 1870; and these charges were established in 1872, and re-established in 1876 by the buyers and warehousemen; and, as I have already said, the buyers were more anxious to go into this arrangement than the warehousemen were, because they constituted a large majority, as they do now.

The warehousemen were apprehensive that, by going into the board in which they were in so large a minority, they might be oppressed and imposed on; and, according to the testimony of Mr. Meguiar, who in 1872 was a buyer, and acted as chairman of the committee of buyers in getting up that Board of Trade in 1872—according to his testimony, the buyers gave these gentlemen assurance that their fees should not be reduced; but to the con-

trary that if, after a fair trial, it should be found that they were not enough, the buyers would have them increased. Why? Because the buyers wanted to get satisfactory guaranties as to samples and weights. That was the cause of the Board of Trade being formed.

As to the reasonableness of the defendants' charges: they are proved incontrovertibly to be reasonable charges. On this point we have not only the testimony to which I have referred; but we have the testimony of several other witnesses, proving that the defendants' charges are as low as the charges in any other market in the country, concerning which there is any reliable testimony in this case, the proof being as to the city of New York, Richmond, Va., Cincinnati, Paducah and Hopkinsville. (See depositions of Walker, Hoffman, Queen, and of plaintiffs' witness, Nash.) According to the evidence in this case, the defendants' charges are as low as in any of those markets, and lower than in two of them.

As I have already said, the plaintiffs, while making this demand, said that the charges were reasonable, and were willing to add seventy-five cents to the seller, in order that the warehousemen might get \$4 a hoghead.

These gentlemen set out with the idea that the defendants were making at least 10 per cent. profit. The only evidence upon that subject is the testimony of Meguiar. His sales last year amounted to over \$801,000 worth of tobacco. His net profits were about \$31,000—less than 4 per cent. Moreover, he has now outstanding advances made last year, amounting to \$120,000. How much of that he will lose is of course uncertain; but if he collects the whole of that outstanding \$120,000 suspended account, which is not probable, still he will have realized only \$31,000, on sales amounting to \$801,000—less than 4 per cent.

Is that unreasonable? Are these extortionate profits? These gentlemen filed an affidavit that they could prove by Geo. C. Buchanan and three or four other mercantile firms, that two and one-half per cent. covers the charges for the sale of produce in this market other than tobacco. Your honor gave them ten days in which to take the proof. But they did not take it. They did not take the testimony of these cotton merchants. They found that it would not do. I will venture to say that the charges of these cotton merchants are as large as ours. Our advances are made upon the same interest that the banks charge for discounts. Not one cent is charged for indorsing or accepting for the accommodation of tobacco sellers who patronize the defendants. Their entire fees and charges and profits consist of \$4 for each hoghead, and 1 per cent. commission, and what little they make out of insurance, samples and wastage—wastage which, according to the testimony, is of scarcely any value.

Now, I again ask, why did these gentlemen demand this reduction, and secede because they could not get it? I don't understand it. Yet these plaintiffs, having acted thus unjustly; having thus violated their agreement; having, without notice, and in the darkness of night, obtained an injunction restraining us from transacting our business as we thought proper to do, and as our employers thought it proper for us to do; having thus robbed us of our freedom, stand here now insisting that your honor shall keep us shackled with those midnight manacles; whilst my brother Bijur comes here crying aloud for freedom, scaring the swallows around the court house by his roar for freedom. He insists that every member of society is entitled to "free commerce," just as much as he is to breathe the air of heaven. My brother Bijur's vociferations for freedom, reminded me of a celebrated pirate, who, after returning to his lair from a successful voyage, was in the habit of entertaining his crew with an exhortation on the subject of "free trade and sailors' rights."

My other two brothers, Mr. Barnett and Mr. Dembitz, do not seem to rely upon this social right. They have not gone as far into socialism as my brother Bijur. They rely upon statute law to show that they have a right to buy Tobacco at our houses. My brother Bijur relies on statute laws, too, but in a very general way.

I do not propose to go into any discussion as to the power of the Legislature to regulate the sale of Tobacco in Louisville, if they choose to do it. I do not propose now to dispute that the Legislature has the power. I do not think it is necessary to do so in this case, and therefore do not dispute it. I will not now dispute the proposition that the Legislature has the power, if they choose to exercise it, to say that any body who wants to go to the defendants' warehouses and bid on Tobacco, shall have the right to do so, though the owners of the Tobacco as well as the defendants object to their doing so. I do not propose to discuss that point. Consequently, I do not propose to discuss the case of *Munn & Scott vs. Illinois* (4 Otto). The only point decided in that case was that the Legislature of Illinois had the power to fix the fees of grain elevators in Chicago. I do not consider it necessary to dispute the doctrine of that case, though to me it is abhorrent.

Where do the gentlemen find a statute in Kentucky which requires us to allow them to bid at our warehouses? My brother Bijur says that "long line of legislation" has made us public warehousemen, public auctioneers, public servants, and therefore even the servants of the plaintiffs in this case. But he don't refer us to any statute. My brother Bijur's "long line of legislation" reminds me of a remark that was made, a few years ago, by a guide in the Holy Land to a friend of mine who was traveling there. At the mouth of a cavern, the guide pointed to a long stone tomb—about thirty feet long—in which he said Noah was buried. The traveler said: "In what part of that tomb was Noah buried?" "Oh," said the guide, "all along there, along there—Noah very long man, you know."

The only statute referred to by Mr. Dembitz in support of the position that the plaintiffs have a right to buy Tobacco at the defendants' warehouses is the act of 1876 (B. & F.'s Gen. St., 991). Mr. Barnett relies on that article, and also on art. 1, chap. 59 of the General Statutes; and I believe that there is no other statute in force with reference to the sale of Tobacco in Louisville. The act of 1870, section 19 (1 S. A., 1869-70, p. 86), says: "All acts and parts of acts regulating the inspection and sale of Tobacco in the city of Louisville are hereby repealed."

Section 20 says: "This act to take effect from its passage, and remain in full force for four years." Did the act of 1870 repeal the pre-



vious acts, or only suspend them for four years?

In Bacon's Abridgement I find the doctrine laid down upon the authority of Warren vs. Windle (3 East, 205), as follows: "Where a statute professes to repeal absolutely a prior law, and substitutes other provisions on the same subject which are limited to continue only till a certain time, the prior law does not revive after the repealing statute is spent unless the intention of the Legislature to that effect be expressed. A law, though temporary in some of its provisions, may have a permanent operation in other respects." (6 Bacon's Ab., title "Statute," letter D.) That doctrine is stated as law in Sedgwick on Con. and Stat. Law, p. 129.

Smith, in his work on Constitutional Construction, cites the Chancellor's Case (1 Bland, 665), as laying down the doctrine that "the expiration of a repealing statute by its own limitation revives a statute which had been revived and supplied by it." Mr. Smith is mistaken. The Chancellor (Bland) cited with approval the case of Warren vs. Windle as having adjudged "that the prior act does not revive after the repealing act is spent, unless the intention of the Legislature to that effect be expressed." And Chancellor Hanson in a note expresses the same opinion. (1 Bland, 665.)

The opinion of Chief Justice Gibson, in Collins vs. Smith (6 Wharton, 294), appears at first blush to be directly to the contrary. But upon close examination of that opinion, I believe your honor will find that it is not so; and that Chief Justice Gibson's unqualified assault upon Lord Ellenborough's opinion in Warren vs. Windle was founded upon an erroneous assumption as to the meaning of that opinion. In Warren vs. Windle, counsel argued that a statute of George III. which repealed a statute of George II., having itself expired, the statute of George II. of course revived. Lord Ellenborough interrupted him with these words: "That would not necessarily follow; for a law, though temporary in some of its provisions, may have a permanent operation in other respects. The statute 26, George III., chap. 108, professes to repeal the statute 19, George II., chap. 35, absolutely, though its own provisions, which were substituted in the place of it, would be only temporary." Mr. East, in his report of the case, thus states Lord Ellenborough's meaning: "Where a statute professes to repeal absolutely a prior law, and substitutes other provisions on the same subject, which are limited to continue only to a certain time, the prior law does not revive after the repealing statute is spent, unless the intention of the Legislature to that effect be expressed." (Syllabus, 3 East, p. 205.)

I submit that Lord Ellenborough did not mean to be understood that "every present repeal is necessarily a permanent one;" or that a "statute may continue to operate as a repeal after it is itself defunct." He meant that the question whether a repealing clause, in a temporary act, is to be regarded as a repeal or a suspension of previous acts, depends upon the intention of the Legislature; and Chief Justice Gibson, in the subsequent part of his opinion, seems to have, unavoidably, adopted that view; for, in holding that the act upon which he was passing was a suspension and not a repeal of a previous act, he referred, not only to the subject of the act and the circumstances under which it was enacted, but to the subsequent conduct of the Legislature upon that subject. An act of 1810 forbade unincorporated banks to issue notes, etc. An act of 1814 chartered a number of new banks; declared the notes, etc., of unincorporated banks void; repealed the act of 1810 in terms; and limited the duration, not only of the new charters, but of its own existence to a period of a little more than eleven years. An act of 1824, which was passed before the expiration of the act of 1814, without supplying the prohibitions of the act of 1810, or continuing those of the act of 1814, renewed the charters of certain banks named in it, most of which had come into existence under the act of 1814.

The question was, as it seems to me, whether the Legislature intended, by the act of 1814, to suspend or to repeal the act of 1810; though Chief Justice Gibson stated the question as being "whether the expiration of a statute by its own limitation, *ipso facto* revives a statute which had been repealed and supplied by it." That the expiration of a statute by its own limitation may revive a statute nominally repealed by it, I concede; that it does not necessarily do so—that the question depends upon the intention of the Legislature—is impliedly conceded, conceded by clear implication in the subsequent part of Chief Justice Gibson's opinion, in which he says:

"It can scarce be doubted that the Legislature of 1814 intended only to suspend the act of 1810, and not to abrogate it. That body was not more tolerant of unauthorized banking than its predecessors. The object was not to protect the new banks from unauthorized competition, as it might seem to have been from the limitation of the prohibition to a period co-extensive only with the duration of their charters—for other banks, having equal claims to protection, had paid for charters having longer time to run—but it was more effectually to restrain an independent mischief which had survived every attempt to suppress it. If, then, the repeal of the act of 1810 was intended to be permanent, why were not the prohibitory sections of the act of 1814 also permanent? Perhaps it may be thought that the final disposition of the subject was purposely postponed, with a view to the result of the experiment, till further legislation should be needed for the new banks. But at the renewal of their charters in 1824, the Legislature evidently thought there had been a final disposition of it already, else they would have acted on it. And they could have thought so only by viewing the approaching expiration of the repealing act as a restoration of that which had preceded it. There was no change of temper as to these associations; for their tendency could not be disguised, and the public interest in the banking privilege was too valuable to be thrown open to those who did not pay for it."

I submit that, even according to the opinion of Chief Justice Gibson, the question whether the act of 1870 repealed or suspended previous acts, depends upon the intention of the Legislature—intention to be ascertained by considering the language of the act, the subject of it, the circumstances under which it was passed, and the subsequent conduct of the Legislature as to the subject. And, in that view, I ask your honor's attention to these facts:

First—There is no language in the act of

1870 expressing an intention to revive previous acts after its expiration.

Secondly—The subject of the act was the tobacco trade in Louisville, concerning which, as I have suggested, there had been special laws differing from the law concerning the tobacco trade in the State generally—laws which imposed restrictions upon the trade of Louisville that were not imposed upon the trade generally; and which, as I have endeavored to show, were injurious to the Louisville market.

Thirdly—As to the circumstances under which the act of 1870 was passed. In addition to the circumstances which I have just mentioned, if your honor will examine the previous acts, I believe you will find in the frequent changes that were made, and in the difficulty of understanding the meaning of these acts in some respects—I believe you will find reason to suppose that the Legislature probably intended to try the act of 1870 as a last experiment, unless they found it working better than legislation had worked before.

And this brings me to the question, Fourthly—As to the subsequent conduct of the Legislature. As has been shown, the act of 1870 did not work well, and ceased to have any practical effect before it expired. Since it expired, no one concerned (except the plaintiffs' counsel in this case—near the close of the oral argument) imagined that the previous acts as to the tobacco sales in Louisville were in force. The warehousemen and buyers and sellers of tobacco, the city council, the Commonwealth's attorney, and the governor of the State, have regarded and treated those acts as repealed by the act of 1870; and so has the Legislature.

The only laws passed since the act of 1870, concerning tobacco, are art. 1, chap. 59, of the General Statutes, and the act of 1876, above referred to. The provisions of these statutes repealed all special acts concerning tobacco sales in Louisville (if any were in force), by necessary implication; unless it should be held that the former, being general acts, applicable to the State at large, were not passed with reference to, or in view of, local acts applicable to the city of Louisville. I concede that a general act does not necessarily repeal a special act on the same subject. But if, of course, may do so. It is in every case a question of intention. In this case, however, the question is not so much "did the Legislature intend to repeal those special acts by those general laws?" as it is "did the Legislature, in passing those general laws, regard those special acts as having been repealed by the act of 1870?"

In view of the importance of the Louisville tobacco market to the State generally; of the practical construction of the act of 1870, not only by tobacco producers and dealers, but by the agents of the State before mentioned—viz., the municipal government of Louisville, the Commonwealth's attorney, and the governor of the State; and of the prosperity that resulted from that construction, I submit that the passage of those general laws, and especially the act of 1876, proves that the Legislature regarded said special acts as having been repealed by the act of 1870.

Now, I submit to your honor that neither the General Statutes nor the act of 1876, nor both of them combined—though they may require the defendants to receive and store and weigh all tobacco that may be sent to them—I submit that they do not require the defendants to sell tobacco that may be sent to them, either at public or private sale. I submit it is clear, at any rate, that those statutes do not require the defendants to sell tobacco at public auction, unless required to do so by the owners.

And, even if the acts which were in force prior to 1870 are in force now, I submit it is clear that the defendants are not bound to sell tobacco at auction, unless required to do so by the owners; and that, even if the owners require sales to be made at auction, the defendants are not bound to accept bids of the plaintiffs, unless required to do so by the owners.

There is neither allegation nor proof that the defendants, in refusing to accept bids of the plaintiffs, violated the orders of owners. It must be assumed that, in doing so, the defendants had authority from the owners. If they had not, the owners alone have a right to complain. The evidence shows, moreover, that it has always been the usage for warehousemen and commission merchants in Louisville to sell tobacco by private as well as public sales.

Now, I say that there is no law which gives to the plaintiffs the right to go to the warehouses of the defendants and buy tobacco at either public or private sale.

[Mr. Barnett:] We do not claim the right to buy at private sale, but we claim the right to buy when you sell at public auction.

[Judge Bullitt:] Now we are coming down to the square proposition. I say that no law can be found—I have not been able to find any, and the gentlemen have not cited any—which gives to the plaintiffs the right to buy tobacco at the defendants' warehouses, even at public auction.

Plaintiffs' counsel have cited cases as to by-bidding, and as to conspiracies between buyers to prevent competition in bidding. Those cases have no application here. The by-laws of the Board of Trade forbid by-bidding, so does the common law; and the common law forbids buyers from conspiring to prevent competition in bidding. But the defendants are not charged with by-bidding, nor with allowing by-bidding. Nor are they charged with conspiring, as buyers, to prevent competition in bidding. The alleged offense with which they are charged is of an entirely different character, viz., refusing to let the plaintiffs bid or buy at their auction sales. I say that each of the defendants has the individual right, the personal privilege, for any reasons he may deem sufficient, to say to the plaintiffs: "You shall not come into my warehouse," or to say to the plaintiffs: "You may come into my warehouse, but you shall not buy tobacco there."

"It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice. With his reasons neither the public nor third persons have any legal concern." (Cooley on Torts, 278.) Mr. Newcomb can employ a licensed auc-

\*The acts in force prior to the act of March, 1870, are the act of February 12, 1830, S. A., 1839-70, page 17, which repealed all previous acts; act of October 1, 1869, page 9; act of February 2, 1864, page 40; act of February 27, 1865, vol. 1, page 65; and act of January 25, 1867, 1 S. A., page 12.

ioneer to sell his residence at auction to the highest bidder—excluding, however, all bidders who are not merchants. I can employ a licensed auctioneer to sell my residence at auction to the highest bidder, excluding, however, all bidders who are not lawyers. Each of the defendants has the same right concerning tobacco sold at auction, in his warehouse, unless otherwise ordered by owners of the tobacco.

But, the gentlemen contend that, even though each of the defendants, acting for himself, exercising his individual rights, may refuse to allow the plaintiffs to come to his house and bid; yet, that the agreement between the defendants to refuse bids of the plaintiffs, and the refusal pursuant to that agreement, constituted a conspiracy between the defendants; and that, consequently, the plaintiffs can maintain an action at law for damages they have suffered, or action in equity to prevent future damages to them, resulting from that conspiracy.

The plaintiffs' counsel seem to be misled by the fact that combinations between two or more persons have sometimes been held to be against the public peace, and therefore indictable as conspiracies, though the combination gave no cause of action, legal or equitable, against the persons so combining. And they cited Wharton's Criminal Law, concerning indictable conspiracies, in support of the injunction in this case; though it was settled in the leading case of Savile vs. Roberts (1 Lord Raymond, 374), and has, I believe, never since been disputed (except in a dictum discovered by Mr. Davis in Hood vs. Palm, 8 Pa., St. R., 239), that a combination between several persons may make them indictable as conspirators, without making them liable to a civil action at law or in equity.

The plaintiffs' counsel seem to have been misled, also, by the fact that the courts have held, in several cases, that such combinations were against public policy; and that, consequently, the courts would not enforce an agreement based on such combination, in an action between the parties thereto. To this class belong five of the cases on which the plaintiffs chiefly rely, viz., Norris Run Coal Company vs. Barclay Coal Company (68 Pa., 166); Crawford vs. Wick (18 Ohio St. R.); Craft et al. vs. McConoughy, (79 Illinois, 346); Hilton vs. Eckersly (88 E. C. L. R., 70), and Sayre vs. Union Beneficial Association (1 Duvall, 143). The first cited case, Norris Run Coal Company vs. Barclay Coal Company, is a fair sample, and examination of it will suffice for all.

In that case it appeared that the owners of five anthracite coal mines in Pennsylvania, having the power, or believing they had the power, to control the New York market, combined for that purpose—combined, not for the purpose of obtaining reasonable prices, but for the purpose of extorting unreasonable prices for coal, not only in the city but in the State of New York. In an action between parties to that combination—an action founded on that combination—the court refused relief to the plaintiff, upon the ground that the combination was against public policy. Nor do I doubt that that combination was indictable as a conspiracy. But, could New York coal buyers, having no contract with the conspirators or either of them, have maintained an action for damages against them for refusing to furnish coal for reasonable prices? No such case has been cited, and I am confident no such case can be found.

Or, could New York coal buyers, having no contract with the conspirators or either of them, have maintained an action in equity against them? Could the chancellor have compelled them, by an injunction, to mine coal and ship it to New York, and sell it there for reasonable prices? Could he have prevented them, by an injunction, from mining coal, unless they would ship it to New York and sell it there for reasonable prices? No such case has been cited, and I am confident no such case can be found.

Those five cases are inapplicable here, because they relate to actions between parties to the combination.

They are inapplicable here for the additional reason that they relate to extortionate combinations. Two of them, viz., Norris Run Coal Co. vs. Barclay Coal Co., and Crawford vs. Wick, relate to agreements which were extortionate *per se*; or, at any rate, were held to be so by the court, though I doubt the correctness of the decision in Crawford vs. Wick; but I need not and will not now dispute its correctness.

The other three cases, viz., Craft et al. vs. McConoughy, Hilton vs. Eckersly, and Sayre vs. Union Beneficial Association, relate to agreements whereby the parties agreed to charge such prices, etc., as might be fixed from time to time by a majority of the parties, without reference to the question of reasonableness. I need not, and do not, question the correctness of those decisions.

In the case before your honor, there was no agreement that the defendants might charge such fees as might thereafter be fixed by a majority. The fees were established in 1872, and re-established in 1876, by the buyers and warehousemen, by the plaintiffs and the defendants; and, according to the evidence, they were then, and ever since have been, reasonable fees. The possibility that they may hereafter become too high—may hereafter become extortionate—gives no ground for judicial interference now.

I rely on the Sayre case (1 Duvall, 143) as establishing the doctrine, in Kentucky, that either employers or employees, persons engaged in any sort of business, even common carriers, may lawfully combine together for the purpose of preventing extortion, for the purpose of securing reasonable compensation for property, or for services. I rely on that case as establishing the doctrine, in Kentucky, that a combination formed for the purpose of procuring property or services for less than they are worth, is as much opposed to public policy, as is wrongful and unlawful, as a combination to procure for property or services more than they are worth. And I rely upon the evidence in this case as establishing that the defendants combined together, not to extort unreasonable compensation, but to secure reasonable compensation; and as establishing that the plaintiffs have wrongfully and unlawfully combined together, and with the proprietors of the Enterprise Warehouse, for the purpose of depriving the plaintiffs of reasonable compensation for their services.

The only case I believe that has been cited in which an injunction was granted to prevent interference with the complainant's business is the case of Springhead Spinning Co.

vs. Riley (6 Eq. Cases, 551). The decision in that case was based upon the ground that the defendants were endeavoring, by threats and intimidation, to prevent persons from accepting work from the plaintiffs (6 Equity Cas., 562). In that case a trade union attempted, by threats and intimidations, to prevent non-members from working for any person without consent of the trade union.

I need not dispute the correctness of that decision. It has no application here. It might have been in point, if the owners of the Enterprise Warehouse had sued the defendants, and had alleged and proved that the defendants had, by violence or by threats of violence, prevented the plaintiffs from bidding at their warehouse. But such are not the facts. To the contrary, the plaintiffs have been attending the Enterprise Warehouse unanimously, faithfully, unflinchingly—to our exclusion when sales took place simultaneously at the Enterprise Warehouse and at one of ours, as has been the case every day since the Enterprise was opened. Nor is this a suit by the owners of the Enterprise Warehouse to enjoin us against preventing the plaintiffs from bidding there; but it is a suit to compel us, by an injunction, to let the plaintiffs bid at our warehouses—an injunction to compel us not to reduce the fees which they allege to be extortionate, but to compel us to let them pay us those fees.

I ask attention to a few additional authorities. Judge Cooley states the following rule as law, and cites a number of cases as supporting it: "The general rule is, that a conspiracy can not be made the subject of a civil action unless something is done which, without the conspiracy, would give a right of action." (Cooley on Torts, p. 125.)

I ask especial attention to three of the cases cited by Judge Cooley, viz., Eason vs. Petway (1 Dev. & Bat., 44); Bowen vs. Matheson (14 Allen, 499); and Kimball vs. Harman, (34 Md., 407).

In Eason vs. Petway the facts were these: P., a constable, having an execution against E. and B., on a judgment in favor of L., upon which E. was surety for B.; and P. having levied the execution on property of B., which was worth more than enough to satisfy the execution, afterward levied the execution on property of E., and compelled him to pay the money; and subjected the whole property of B. to satisfy other executions against said B. E. sued the constable, P., for damages, alleging the facts above stated; and alleging that P. had so acted in pursuance of a fraudulent combination and confederation between him and another creditor of the said B., etc.

Chief Justice Ruffin, delivering the opinion of the court, said:

"We think it settled law, that all defendants, when once fixed by judgment, are equally the debtors, and together make but one debtor. No difference in the order of their liability is recognized at law, in respect to any proceedings upon process on the judgment. The relation between principal and surety creates rights and duties among the defendants, as between themselves; but it does not affect third persons. The sheriff may levy the debt from either defendant, or in such proportions as he chooses. \* \* \* It can not, therefore, in legal contemplation, be an injury to the present plaintiff to have made him pay the debt in the first instance, which he was under a direct and primary legal liability thus to pay. \* \* \* The seizure of Brownrigg's (the principal debtor's) estate did not oblige the sheriff to the plaintiff, in this suit, to proceed on that seizure. It did so oblige him, as between him and the creditor, in that execution. \* \* \* But neither defendant was discharged by the seizure, since the property was restored or otherwise appropriated to the use of the owner, and the present plaintiff can not complain of the acts of the sheriff, since they are all within the mandates of the writ, and justified by it, without reference to his motives. The opinion of the Superior court seems to assume these positions as correct, and is founded upon a supposed fraudulent combination between the defendant and another. It does not appear to us that the alleged combination can make a difference. It may be admitted that it was an unlawful conspiracy, for which the parties might be indicted. It is frequently criminal for many to combine to effect even a lawful end. It is doing a lawful thing by unlawful means. But that offense is to the public. A private person can not complain of the conspiracy as such; but only when it operates to his injury, that is to say, when as to him the object of the conspiracy is unlawful."

In Bowen vs. Matheson the facts and decision of the court are correctly stated in the reporter's syllabus, which is as follows: "An action for conspiracy will not lie in favor of a shipping master to recover damages against persons who combine together and form an association to control the business of the shipping masters of a city, by requiring the members to conform to certain rules and rates, and to use their best endeavors to prevent their boarders from shipping in any vessel where any of the crew are shipped from boarding houses not in good standing with the association; and abstain from shipping men from any office after the association shall have suspended business with it; and who, in pursuance thereof, take their men out of ships, because the plaintiff's men are in the same; and refuse to furnish and ship men to the plaintiff; and prevent men from shipping with him; and notify the public that they have laid him on the shelf (that is, are acting against him as a shipping master); and notify his customers and friends that he can not ship seamen for them; and prevent his getting seamen to ship; and thus break up his business."

In Kimball vs. Harman (decided in 1871), the court said: "It is clear, therefore, as well upon the authority of other cases as that of Savile vs. Roberts, that an act which, if done by one alone, constitutes no ground of an action on the case, can not be made the ground of such action by alleging it to have been done by and through a conspiracy of several."

Finally, I wish to say a few words as to the tobacco of the plaintiffs mentioned in their amended petition.

I tried to learn from the defendants how much tobacco, if any, they had in store belonging to the plaintiffs or either of them; but could not ascertain, because the defendants issue tobacco receipts, which are transferable by delivery and pass the title to the tobacco.

It may be true that, if the defendants have possession of any tobacco which the plaintiffs now own and of which they became owners before July 5, 1879—when the by-law excluding

the plaintiffs from bidding took effect—the defendants are bound either to deliver it to the plaintiffs without charge for storage, or to sell it in such mode as the plaintiffs may direct. But as to the tobacco, if any, now in possession of the defendants, and of which the plaintiffs became owners since July 5, 1879, I submit it is clear that the plaintiffs can not have any ground of complaint.

If the plaintiffs will show themselves entitled to any tobacco in possession of defendants—tobacco of which the plaintiffs became owners before July 5, 1879—I would advise the defendants to sell it in such mode as the plaintiffs may direct. But there is neither allegation nor proof of any demand or refusal either as to delivering or selling any tobacco held by the defendants, or either of them, for the plaintiffs, or either of them; and, consequently, the amended petition does not state a good ground for complaint.

In our last we gave to our readers the great speech of Hon. Isaac Caldwell, delivered before Special Chancellor Beattie, in the much-talked-of injunction suit of seceding buyers against the tobacco warehouses. This week we give them Hon. Joshua F. Bullitt's argument in the same case. They were, truly, two great speeches, and covered every inch of the ground. They will, together with the chancellor's decision (when given), be published in pamphlet form, and will be worthy the most careful reading, by all classes and professions.

#### CROP PROSPECTS.

Complaints continue to come in, from the Green river country especially, of very great damage done the growing crop by the heavy rain-storms of the 22d, 23d and 24th, and, although some benefit was of course derived, we doubt not but it was more than offset by the "flooding" of low and flat lands, and "washing" in the "hilly" districts.

It is now too late for the growing crop of either tobacco or corn to be improved by much or little rain, but, on the contrary, 'twill but serve to retard the ripening process, until there is much danger from an early frost. Indeed, we will venture the prediction that should we have a "killing" frost by the 5th of October, it will find half the growing crop standing in the field unless cut green.

So, under no possible circumstances (in our opinion) can the Western crop exceed more than one-third of an average—with all the chances of a much lower estimate, say one-fourth.

PRINCETON, CALDWELL COUNTY, KY., Aug. 28.—Tobacco, in low grounds especially, damaged very much by the late storms.—D. O.

SHELBY, SHELBY COUNTY, MO., Aug. 15.—A correspondent says: "From information gathered from other parts of the country, we will fare better than most tobacco growing districts. Some of our crops look fine and others look very small—that is, the plants are not doing as well as might be expected. Missouri will not produce more than one-third of an average crop.—A. M. R."

DYCDURG, CRITTENDEN COUNTY, KY., Aug. 28.—A correspondent writes: "The tobacco crop in this section is good for about two-thirds of a crop—in pounds—if the season continues favorable. At least, that was the estimate, until the heavy rains of the 22d, 23d and 24th inst. Since then, have heard a general complaint that the tobacco was more or less damaged, and, in the low grounds, to a very considerable extent.—D. A. C. & Co."

DROMEDARY TOBACCO.—This name, applied to growing tobacco, is used to distinguish a crop that, struggling through a hot, dry, rainless season, scorched by suns and parched by winds, manages merely to exist, but which does not thrive. No matter how fertile the soil, the crop remains stunted. It lives through the summer like the dromedary does through the desert—on the hopes of water after a while. As the dromedary draws a temporary nourishment from the fat in its hump, so, during a drought, tobacco draws its subsistence from the fat of the soil. But though tobacco can exist longer than the dromedary without water, it must have it, or there will be a "dromedary crop" at the end of the season which will play havoc among the profits.

#### FIRST OF THE SEASON.

On Saturday last, August 30, Messrs. Semon, Mason & Laughlin offered for sale the first hhd of new tobacco, grown by J. A. Russell, of Weakley county, Tenn. It was of fine size and remarkably well matured, and well cured and neatly handled. Mr. John G. Swain (a member of the Board of Trade) was the purchaser, at 10½¢ per lb.

THE Tobacco Board of Trade, on Monday, re-elected Messrs. Spaulding and Lochridge inspectors for the next year. These gentlemen have given satisfaction to all parties, and their re-election is a reward to faithful services.

A CORRESPONDENT at Franklin, Ky., Sept. 1, says: "We are having fine rains, and both corn and tobacco are doing well."

TOBACCO CUTTING.—Planters have commenced cutting their forward tobacco, and from all accounts they are handling it with more than usual pains. As to quality, we believe it will be a decided improvement on last year's crop. There is a prevailing opinion that we are to have an early frost, which we apprehend will influence many to cut late tobacco before it is fully ripe. Farmers always get in a hurry about the middle of September and cut clean, green or ripe. For this reason, if no other, they ought to plant early enough to give the crop time to ripen. It is better to make planting seasons than wait too late. In consequence of the cool nights during the latter part of August, tobacco has matured and ripened very slowly, and the heavy rain of yesterday is likely to set it back considerably.—Clarksville Tobacco Leaf.